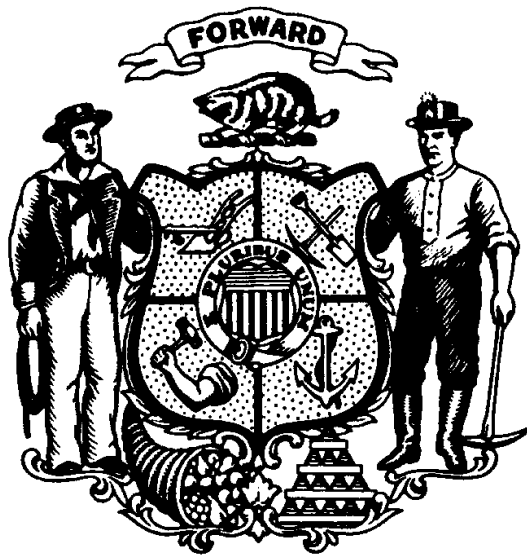


WISCONSIN ADMINISTRATIVE REGISTER

No. 532



Publication Date: April 30, 2000
Effective Date: May 1, 2000



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EMERGENCY RULES NOW IN EFFECT

Under s. 227.24, Stats., state agencies may promulgate rules without complying with the usual rule-making procedures. Using this special procedure to issue emergency rules, an agency must find that either the preservation of the public peace, health, safety or welfare necessitates its action in bypassing normal rule-making procedures.

Emergency rules are published in the official state newspaper, which is currently the Wisconsin State Journal. Emergency rules are in effect for 150 days and can be extended up to an additional 120 days with no single extension to exceed 60 days.

Extension of the effective period of an emergency rule is granted at the discretion of the Joint Committee for Review of Administrative Rules under s. 227.24 (2), Stats.

Notice of all emergency rules which are in effect must be printed in the Wisconsin Administrative Register. This notice will contain a brief description of the emergency rule, the agency finding of emergency, date of publication, the effective and expiration dates, any extension of the effective period of the emergency rule and information regarding public hearings on the emergency rule.

EMERGENCY RULES NOW IN EFFECT (2)

Commerce

(PECFA – Chs. Comm 46–47)

1. Rules adopted creating **ch. Comm 46**, relating to “Petroleum Environmental Cleanup Fund Interagency Responsibilities,” and relating to site contaminated with petroleum products from petroleum storage tanks.

Exemption From Finding of Emergency

On September 22, 1999, the Joint Committee for Review of Administrative Rules adopted a motion pursuant to s. 227.26 (2) (b), Stats., that directs the Departments Commerce and Natural Resources to promulgate as an emergency rule, no later than October 22, 1999, the policies and interpretations under which they intend to administer and implement the shared elements of the petroleum environmental cleanup fund program.

In administering the fund, the Departments had previously relied upon a Memorandum of Understanding for classifying contaminated sites and addressing other statements of policy that affect the two Departments. The rule that is being promulgated details the policies and interpretations under which the agencies intend to administer and guide the remedial decision making for sites with petroleum product contamination from petroleum product storage tank systems.

The rule defines “high priority site,” “medium priority site,” and “low priority site,” and provides that the Department of Natural Resources has authority for high priority sites and that the Department of Commerce has authority for low and medium priority sites. The rule requires transfer of authority for sites with petroleum contamination in the groundwater below the enforcement standard in ch. NR 140 from the Department of Natural Resources to the Department of Commerce. The rule also establishes

procedures for transferring sites from one agency to the other when information relevant to the site classification becomes available.

Publication Date: October 20, 1999
Effective Date: October 20, 1999
Expiration Date: March 18, 2000
Hearing Date: November 18, 1999
Extension Through: May 16, 2000

2. Rules adopted amending **s. Comm 47.53**, relating to appeals of decisions issued under the Petroleum Environmental Cleanup Act (PECFA) program.

Finding of Emergency

The Department of Commerce finds that an emergency exists and that a rule is necessary for the immediate preservation of the public peace, health, safety or welfare. A statement of the facts constituting the emergency is:

The department is receiving funds from a bonding initiative to enable it to issue approximately 3,500 decisions on applications for PECFA funding which had been awaiting the availability of funding. Because these decisions will be issued over a very short time frame, parties receiving decisions and law firms representing them, will be required to review and analyze a large volume of decisions to determine whether they wish to appeal specific departmental decisions. Given the large number of decisions and the normal rate of appeals, it is reasonable to expect that the public will be required to prepare and file a large volume of appeals within a short time period. Attorneys, lenders and consultants representing multiple claimants have expressed concern about the workload associated with having to review decisions and draft appeals on the higher volume of decisions issued by the department within the current 30 day window. The emergency rule temporarily expands the filing period from 30 days to 90 days to provide additional time to evaluate decisions and determine whether an appeal should be filed. The rule covers the time period when the highest volume of decisions are to be issued.

Publication Date: February 15, 2000
Effective Date: February 15, 2000
Expiration Date: July 14, 2000
Hearing Date: March, 27, 2000

EMERGENCY RULES NOW IN EFFECT

Crime Victims Rights Board

Rules adopted creating **ch. CVRB 1**, relating to the rights of crime victims.

Finding of Emergency

The Crime Victims Rights Board finds that an emergency exists and that rules are necessary for the immediate preservation of the public peace, health, safety or welfare. A statement of the facts constituting the emergency is:

The Crime Victims Rights Board was created by 1997 Wis. Act 181, effective December 1, 1998, to enforce victims’ rights established by Wis. Const. Art. I, s. 9m, adopted in 1993. The Wisconsin Constitution states that the Legislature shall provide remedies for the violation of victims’ constitutional rights. The Board’s process represents the only means of enforcing the remedies

available to victims of crime who are not provided with the rights guaranteed to them by the Wisconsin Constitution and the Wisconsin statutes. The Board can issue reprimands to correct violations of victims' rights, seek forfeitures in egregious cases, and seek equitable relief to enforce victims' rights. The Board can also work to prevent future violations of victims' rights by issuing reports and recommendations on crime victims' rights and services.

Complaints must be presented to the Department of Justice before they can be presented to the Board. The Department estimates that it receives 200 complaints annually involving the treatment of crime victims. The Department has no authority to enforce victims' rights; the Department can only seek to mediate disputes. Of those complaints, approximately 25 per year cannot be resolved to the parties' satisfaction, and are therefore ripe for the Board's consideration. There are presently 5 complaints that could be referred to the Board if the Board were able to receive and act on complaints.

Until the Board establishes its complaint process by administrative rule, it is unable to provide the remedies constitutionally guaranteed to crime victims.

Publication Date: September 17, 1999
Effective Date: September 17, 1999
Expiration Date: February 14, 1999
Hearing Date: November 9, 1999
Extension Through: June 12, 2000

EMERGENCY RULES NOW IN EFFECT

Employee Trust Funds

Rules adopted revising s. ETF 20.25 (1), relating to the distribution to annuitants from the transaction amortization account to the annuity reserve under 1999 Wis. Act 11.

Finding of Emergency

The Department of Employee Trust Funds, Employee Trust Fund Board, Teacher Retirement Board and Wisconsin Retirement Board find that an emergency exists and that administrative rules are necessary for the immediate preservation of the public welfare. A statement of the facts constituting the emergency is:

The Public Employee Trust Fund was created for the purpose of helping public employees to protect themselves and their beneficiaries against the financial hardships of old age, disability, death, illness and accident. The Trust Fund thus promotes economy and efficiency in public service by facilitating the attraction and retention of competent employees, by enhancing employee morale, by providing for the orderly and humane departure from service of employees no longer able to perform their duties effectively, and by establishing equitable benefit standards throughout public employment. There are approximately 102,000 annuitants of the Wisconsin Retirement System, of whom about 80% reside throughout the State of Wisconsin. The Department of Employee Trust Funds estimates that up to 7,000 public employees covered by the Wisconsin Retirement System will retire and take annuity benefits effective during 1999.

WRS participants who retire during 1999 are not eligible to have their retirement benefits calculated using the higher formula factors for pre-2000 service which are provided by the treatment of Wis. Stats. 40.23 (2m) (e) 1. through 4. by 1999 Wis. Act 11. Section 27 (b) 2. of the Act directs that any funds allocated to the employer reserve in the Trust Fund as a result of the \$4 billion transfer mandated by the Act, which exceed \$200,000,000 shall be applied towards funding any liabilities created by using the higher formula factors with respect to pre-2000 service.

If the existing administrative rule mandating proration is not revised, then the distribution of the funds transferred into the annuity reserve by Act s. 27 (1) (a) of 1999 Wis. Act 11 will be prorated with respect to annuities with effective dates after December 31, 1998, and before January 1, 2000. The extraordinary transfer of funds from the Transaction Amortization Account (TAA) mandated by 1999 Wis. 11 causes funds, which would otherwise have remained in the TAA to be recognized and fund annuity dividends in later years, to instead be transferred into the annuity reserve in 1999 and paid out as an annuity dividend effective April 1, 2000. Normally, annuities effective during 1999 would receive only a prorated dividend. If this occurred with respect to this extraordinary distribution, then annuitants with annuity effective dates in 1999 would be deprived of a portion of the earnings of the Public Employee Trust Fund that would otherwise have affected their annuities as of April 1, 2001 and in subsequent years.

Promulgation of an emergency rule is the only available option for revising the effect of Wis. Adm. Code s. ETF 20.25 (1) before December 31, 1999. Accordingly, the Department of Employee Trust Funds, Employee Trust Funds Board, Teacher Retirement Board and Wisconsin Retirement Board conclude that preservation of the public welfare requires placing this administrative rule into effect before the time it could be effective if the Department and Boards were to comply with the scope statement, notice, hearing, legislative review and publication requirements of the statutes.

Publication Date: December 27, 1999
Effective Date: December 31, 1999
Expiration Date: May 29, 2000
Hearing Date: February 11, 2000

EMERGENCY RULES NOW IN EFFECT

Department of Financial Institutions **Division of Securities**

Rules adopted revising s. DFI-Sec 5.01 (4), relating to investment adviser representative competency examination grandfathering provisions.

Finding of Emergency and Analysis

The Division of Securities of the Department of Financial Institutions for the State of Wisconsin finds that an emergency exists and that rules are necessary for the immediate preservation of the public peace, health, safety or welfare. A statement of the facts constituting the emergency follows:

The Division recently adopted for January 1, 2000 effectiveness as part of its annual rule revision process for 1999, a new administrative rule in s. DFI-Sec 5.01(3) that prescribes a new examination requirement for investment advisers and investment adviser representatives seeking licensure in Wisconsin on or after January 1, 2000. That new examination requirement, which includes completely revised Series 65 and Series 66 examinations, was developed over a 3-year period by a Project Group of the North American Securities Administrators Association ("NASAA").

The new NASAA examination requirement (which also included certain "grandfathering"/examination-waiver provisions) was approved by vote of NASAA member states (including Wisconsin) at the NASAA 1999 Spring Conference to become effective on December 31, 1999. The NASAA membership vote was accompanied by a recommendation that for uniformity purposes, each NASAA member state complete the necessary steps to adopt and have effective by January 1, 2000, the new examination requirement conforming to the NASAA format in all respects.

Following the adoption on November 18, 1999 by the Division of the new investment adviser examination requirement in s. DFI-Sec 5.01(3) as part of the Division's annual rule revision process, it was noted that the "grandfathering"/examination waiver

provisions that had been included in s. DFI–Sec 5.01(4) did not track the NASAA Model language in two respects.

Because it is critical that the grandfathering provisions for the new Wisconsin investment adviser examination requirement be uniform with those of the other NASAA member states as of the coordinated January 1, 2000 date so that applicants for licensing in Wisconsin receive equivalent treatment to that accorded them by other states in which they may be seeking licensure, this emergency rulemaking for January 1, 2000 effectiveness is necessary.

The emergency rulemaking action is comprised of two provisions which do the following: (1) provide an examination waiver in new section DFI–Sec 5.01(4)(e) for any applicant licensed as an investment adviser or investment adviser representative in any jurisdiction in the U.S. on January 1, 2000; and (2) provide an examination waiver in amended section DFI–Sec 5.01(4)(b) for any applicant that has been licensed as an investment adviser or investment adviser representative in any jurisdiction in the U.S. within two years prior to the date the application is filed.

Publication Date: December 28, 1999
Effective Date: January 1, 2000
Expiration Date: May 30, 2000
Hearing Date: March 13, 2000

EMERGENCY RULES NOW IN EFFECT (2)

Gaming Division

1. Rules adopted creating **ch. Game 27**, relating to the conduct of pari–mutuel snowmobile racing.

Finding of Emergency

The Department of Administration's Division of Gaming finds that an emergency exists and that rules are necessary for the immediate preservation of the public peace, health, safety or welfare. A statement of the facts constituting the emergency is:

In January of 2000 a snowmobile promoter proposes to offer pari–mutuel wagering on snowmobile races conducted in Wisconsin. Section 562.124, Stats., allows for pari–mutuel snowmobile racing with the requirement that the Division of Gaming regulate the racing and promulgate all rules necessary to administer the statutory provision in the statutes.

Since this will be the first occasion within the United States that there will be pari–mutuel wagering on a motor sport or mechanical event, the Division of Gaming took extra time in preparing and reviewing the proposed rules with emphasis and attention directed toward the health, welfare and safety of the participants, workers and the public. Additionally, the Division of Gaming is incorporating standards by reference, specifically the Oval Sprint Racing Rules; Sno–Cross Racing Rules; and the General Competition Rules, excluding Enforcement, Discipline and Violation, of International Snowmobile Racing, Incorporated as identified in the 1999–2000 *ISR Snowmobile Racing Yearbook*. These rules, which were made public in October of 1999 were reviewed extensively, once again with an emphasis on the health, welfare and safety of the prior noted individuals.

The conduct of pari–mutuel snowmobile racing will create additional jobs, increase tourism within the State of Wisconsin and generate revenues for the Division of Gaming.

Publication Date: December 23, 1999
Effective Date: December 23, 1999
Expiration Date: May 21, 2000

2. Rule adopted repealing **ch. Game 27**, relating to the conduct of pari–mutuel snowmobile racing, which was created by emergency rule on December 23, 1999.

Finding of Emergency

Based upon the public opposition to this emergency rule, the Department has reconsidered its creation of ch. Game 27 as an emergency rule. The Department will instead pursue creation of the proposed rule under the permanent rulemaking procedures.

Publication Date: January 15, 2000
Effective Date: January 15, 2000
Expiration Date: May 21, 2000

EMERGENCY RULES NOW IN EFFECT (2)

Health & Family Services

(Management, Technology, etc., Chs. HFS 1–)

1. A rule was adopted revising **chapter HFS 12 and Appendix A**, relating to caregiver background checks.

Finding of Emergency

The Department of Health and Family Services finds that an emergency exists and that rules are necessary for the immediate preservation of the public peace, health, safety or welfare. The facts constituting the emergency are as follows:

Since October 1, 1998, the Department has been implementing ss. 48.685 and 50.065, Stats., effective on that date, that require use of uniform procedures to check the backgrounds of persons who apply to the Department for regulatory approval, to a county social services or human services department that licenses foster homes for children and carries out adoption home studies, to a private child–placing agency that does the same or to a school board that contracts for day care programs, to provide care or treatment to persons who need that care or treatment, or who apply to a regulated entity to be hired or contracted with to provide services to the entity's clients or who propose to reside as a non–client at the entity. The statutes direct the regulatory agencies and regulated entities to bar persons, temporarily or permanently, depending on the conviction or finding, who have in their backgrounds a specified conviction or finding substantially related to the care of clients, from operating a service provider organization, providing care or treatment to persons who need that care or treatment or from otherwise having contact with the clients of a service provider.

To implement the new Caregiver Law, the Department on October 1, 1998, published administrative rules, ch. HFS 12, Wis. Adm. Code, by emergency order. The October 1998 emergency rules were modified in December 1998 and February 1999 by emergency order, and were replaced by permanent rules effective July 1, 1999. On September 12, 1999, the Department issued another emergency order again modifying ch. HFS 12, but only the Crimes List and not the text of the chapter. The number of specified crimes was reduced to 79, with 6 of them, all taken from ss. 48.685 and 50.065, Stats., being crimes that permanently barred persons for all programs. The change to the ch. HFS 12 Crimes List was made at that time because the 1999–2001 Budget Bill, subsequently passed by the Legislature as 1999 Wisconsin Act 9, was expected to provide for a more modest list of crimes than the one that was appended to ch. HFS 12. The more modest crimes list published by an emergency rulemaking order on September 12, 1999 reflected the Legislature's intent that some persons who under the previous rules would lose their jobs effective October 1, 1999, were able to keep their jobs.

The 1999–2001 Biennial Budget Act, 1999 Wisconsin Act 9, made several changes to ss. 48.685 and 50.065, Stats., the Caregiver Law. These changes were effective on October 29, 1999. The Department's current rules, effective July 1, 1999, as amended on September 16, 1999, have been in large part made obsolete by those statutory changes. Consequently, the Department through this order is repealing and recreating ch. HFS 12 to bring its rules for operation of the Caregiver Law into conformity with the revised statutes. This

is being done as quickly as possible by emergency order to remove public confusion resulting from administrative rules, which have been widely relied upon by the public for understanding the operation of the Caregiver Law, that are now in conflict with current statutes.

The revised rules minimize repetition of ss. 48.685 and 50.065, Stats., and are designed to supplement those statutes by providing guidance on:

- Sanctions associated with the acts committed under the Caregiver Law;
- Determining whether an offense is substantially related to client care;
- Reporting responsibilities; and
- The conduct of rehabilitation review.

Publication Date: February 12, 2000

Effective Date: February 13, 2000

Expiration Date: July 12, 2000

Hearing Date: April 13, 2000

2. Rules adopted creating **ch. HFS 10**, relating to family care.

Exemption From Finding of Emergency

The Legislature in s. 9123 (1) of 1999 Wis. Act 9 directed the Department to promulgate rules required under ss. 46.286 (4) to (7), 46.288 (1) to (3) and 50.02 (2) (d), Stats., as created by 1999 Wis. Act 9, but exempted the Department from the requirement under s. 227.24 (1) and (3), Stats., to make a finding of emergency.

Analysis Prepared by the Department of Health and Family Services

Legislation establishing a flexible Family Care benefit to help arrange or finance long-term care services to older people and adults with physical or developmental disabilities was enacted as part of 1999 Wis. Act 9. The benefit is an entitlement for those who meet established criteria. It may be accessed only through enrollment in Care Management Organizations (CMOs) that meet requirements specified in the legislation.

The Act also authorizes the Department of Health and Family Services to contract with Aging and Disability Resource Centers to provide broad information and assistance services, long-term care counseling, determinations of functional and financial eligibility for the Family Care benefit, assistance in enrolling in a Care Management Organization if the person chooses to do so, and eligibility determination for certain other benefits, including Medicaid, and other services.

Until July 1, 2001, the Department of Health and Family Services is authorized to contract with CMOs and Resource Centers in pilot counties to serve up to 29% of the state's eligible population. Further expansion is possible only with the explicit authorization of the Governor and the Legislature.

When Aging and Disability Resource Centers become available in a county, the legislation requires nursing homes, community-based residential facilities, adult family homes and residential care apartment complexes to provide certain information to prospective residents and to refer them to the Resource Center. Penalties are provided for non-compliance.

These proposed rules interpret this new legislation, the main body of which is in newly enacted ss. 46.2805 to 46.2895, Stats. The Department of Health and Family Services is specifically directed to promulgate rules by ss. 46.286 (4) to (7), 46.288 (1) to (3), 50.02 (2) (d) and 50.36 (2) (c), Stats. Non-statutory provisions in section 9123 of 1999 Wis. Act 9 require that the rules are to be promulgated using emergency rulemaking procedures and exempts the Department from the requirements under s. 227.24 (1) (a), (2) (b) and (3) of the Stats., to make a finding of emergency. These are the rules required under the provisions cited above, together with

related rules intended to clarify and implement other provisions of the Family Care legislation that are within the scope of the Department's authority. The rules address the following:

- Contracting procedures and performance standards for Aging and Disability Resource Centers.
- Application procedures and eligibility and entitlement criteria for the Family Care benefit.
- Description of the Family Care benefit that provides a wide range of long-term care services.
- Certification and contracting procedures for Care Management Organizations.
- Certification and performance standards and operational requirements for CMOs.
- Protection of client rights, including notification and due process requirements, complaint, grievance, Department review, and fair hearing processes.
- Recovery of incorrectly and correctly paid benefits.
- Requirements of hospitals, long-term care facilities and Resource Centers related to referral and counseling about long-term care options.

Publication Date: February 1, 2000

Effective Date: February 1, 2000

Expiration Date: June 30, 2000

Hearing Dates: April 25, & 27, May 2, 4 & 8, 2000

EMERGENCY RULES NOW IN EFFECT

Health & Family Services

(Community Services, Chs. HFS 30-)

Rules adopted revising **ch. HFS 50**, relating to adoption assistance programs.

Finding of Emergency

The Department of Health and Family Services finds that an emergency exists and that rules are necessary for the immediate preservation of the public peace, health, safety or welfare. The facts constituting the emergency are as follows:

This rulemaking order amends ch. HFS 50, the Department's rules for facilitating the adoption of children with special needs, to implement changes to the adoption assistance program statute, s. 48.975, Stats., made by 1997 Wisconsin Act 308. Those changes include permitting a written agreement for adoption assistance to be made following an adoption, but only in "extenuating circumstances;" permitting the amendment of an adoption assistance agreement for up to one year to increase the amount of adoption assistance for maintenance when there is a "substantial change in circumstances;" and requiring the Department to annually review the circumstances of the child when the original agreement has been amended because of a substantial change in circumstances, with the object of amending the agreement again to either continue the increase or to decrease the amount of adoption assistance if the substantial change in circumstances no longer exists. The monthly adoption assistance payment cannot be less than the amount in the original agreement, unless agreed to by all parties.

The amended rules are being published by emergency order so that adoption assistance or the higher adoption assistance payments, to which adoptive parents are entitled because of "extenuating circumstances" or a "substantial change in circumstances" under the statutory changes that were effective on January 1, 1999, may be made available to them at this time, now that the rules have been developed, rather than 7 to 9 months later which is how long the promulgation process takes for permanent rules. Act 308 directs the Department to promulgate rules that, among other things, define

extenuating circumstances, a child with special needs and substantial change in circumstances.

Publication Date: November 16, 1999
Effective Date: November 16, 1999
Expiration Date: April 13, 2000
Hearing Dates: February 24, & 28, 2000
Extension Through: June 11, 2000

EMERGENCY RULES NOW IN EFFECT

Health & Family Services

(Medical Assistance, Chs. HFS 101–108)

Rules adopted creating ss. **HFS 106.12 (9) and 108.02 (9)(f)**, relating to discovery rights in contested case proceeding involving health care providers under the MA program.

Finding of Emergency

The Department of Health and Family Services finds that an emergency exists and that the adoption of the rules is necessary for the immediate preservation of the public peace, health, safety or welfare. The facts constituting the emergency are as follows:

In Wisconsin, contested case proceedings for which state agencies must hold administrative hearings are by statute divided into three categories. Class 1 cases involve situations in which the agency has substantial discretionary authority (such as rate setting or the grant or denial of a license) but no imposition of a sanction or penalty is involved; Class 2 contested cases involve the imposition of a sanction or penalty; and Class 3 cases are those not included in Class 1 or Class 2. Under s. 227.45(7), Stats., in a Class 2 proceeding the parties have an automatic right to take and preserve evidence prior to the hearing by using discovery procedures such as depositions and interrogatories, but in a Class 1 or Class 3 proceeding the parties generally do not have the right to use discovery unless rules of the agency specifically provide for that right.

The Department of Health and Family Services does not have rules providing for discovery in a Class 1 or Class 3 contested case. Accordingly, discovery has not been available for Class 1 or Class 3 cases except with respect to certain witnesses identified in s. 227.45 (7), Stats. The Department of Administration's Division of Hearings and Appeals handles cases delegated from this Department. Recently, a hearing examiner in the Division of Hearings and Appeals issued an order in a Class 3 case which held that, because the Division of Hearings and Appeals has its own rules allowing discovery in all cases, those rules override the absence of any mention of discovery in the Department of Health and Family Services' rules concerning hearing rights and procedures.

This Department believes that an emergency exists. If other hearing examiners issue similar rulings, the Department of Health and Family Services would be subject to discovery in all cases. This means that in the absence of Department rules that provide otherwise, the process of litigation for Class 1 and Class 3 cases would be significantly prolonged for all parties and the additional administrative costs to the Department associated with that process (including the need to hire additional program staff, attorneys, and support staff to handle the depositions, interrogatories, and other discovery procedures) would be considerable.

There is a particularly high volume of Class 1 and Class 3 cases involving Medical Assistance program providers. Accordingly, these rules are issued to make clear that discovery remains

unavailable in Class 1 and Class 3 Medical Assistance contested case proceedings involving providers.

Publication Date: December 23, 1999
Effective Date: December 23, 1999*
Expiration Date: May 21, 2000
Hearing Date: March 8, 2000

*On January 20, 2000, the Joint Committee for Review for Administrative Rules suspended these emergency rules under s. 227.19 (4) (d)1., Stats.

EMERGENCY RULES NOW IN EFFECT

Natural Resources

(Environmental Protection – General, Chs. NR 100–)

Rules adopted creating **ch. NR 195**, relating to establishing river protection grants.

Finding of Emergency

The department of natural resources finds that an emergency exists and a rule is necessary for the immediate preservation of the public health, safety or welfare. The facts constituting the emergency are:

These grants are funded from a \$300,000 annual appropriation that lapses into other programs at the end of each fiscal year. Due to delays in approving the biennial budget, there is not enough time remaining in the current fiscal year to develop a permanent rule, following standard procedures, to allow grants to be awarded with the current fiscal year appropriation. Potential river protection grant sponsors have been anticipating these grants and are ready to apply and make use of these funds. An emergency order will prevent the loss of \$300,000 for protecting rivers that the legislature clearly intended to make available to these organizations. Initiating this much-anticipated program through emergency order, while permanent rules are being developed, is a positive step toward successful implementation.

Publication Date: February 17, 2000
Effective Date: February 17, 2000
Expiration Date: July 16, 2000
Hearing Dates: March 16, 17, 21 & 22, 2000

EMERGENCY RULES NOW IN EFFECT

Natural Resources

(Environmental Protection–Investigation and Remediation, Chs. NR 700–)

Rules adopted creating **ch. NR 746**, relating to sites contaminated with petroleum products from petroleum storage tanks.

Finding of Emergency

The Wisconsin Natural Resources Board finds that an emergency exists and that a rule is necessary for the immediate preservation of the public peace, health, safety or welfare. A statement of the facts contributing to the emergency is:

The Department of Commerce has adopted administrative rules under ss. 101.143 and 101.144, Stats., to implement the Petroleum Environmental Cleanup Fund Act (PECFA). The purpose of PECFA is to reimburse responsible persons for the eligible costs

incurred to investigate and remediate petroleum product discharges from a petroleum product storage system or home oil tank system. The recent emergency rule, ch. Comm 46, was adopted by both the Department of Natural Resources and the Department of Commerce in January 1999, incorporating parts of a Memorandum of Understanding between the two agencies that relates to the classification of contaminated sites and creating risk screening criteria for assessing petroleum-contaminated sites. However, ch. Comm 46 expired on September 27, 1999, prior to publication of the permanent rule. The emergency rule, ch. NR 746, is being proposed in order to ensure rules continue in effect during the time period between now and when the permanent rule is published. This action is also in response to a resolution adopted by the Joint Committee for Review of Administrative Rules (JCRAR), which directed the Department of Commerce and the Department of Natural Resources to promulgate a new emergency rule for this interim time period.

The emergency rule was approved and adopted by the State of Wisconsin Natural Resources Board on September 29, 1999.

Publication Date: October 20, 1999
Effective Date: October 20, 1999
Expiration Date: March 18, 2000
Hearing Date: November 18, 1999
Extension Through: May 16, 2000

EMERGENCY RULES NOW IN EFFECT (6)

Public Instruction

1. Rules adopted revising **ch. PI 35**, relating to the Milwaukee parental school choice program.

Finding of Emergency

The Department of Public Instruction finds that an emergency exists and that a rule is necessary for the immediate preservation of the public health, safety or welfare. A statement of the facts constituting the emergency is:

Emergency rules are necessary to clarify the eligibility criteria and requirements for parents and participating private schools in time for schools to properly establish procedures for the 2000–2001 school year. Furthermore, emergency rules are necessary to allow the private schools to begin planning summer school programs. The department is in the process of developing permanent rules, but such rules will not be in place prior to January 2000.

The requirements established under this rule have been discussed with the private schools and initial indications reflect an acceptance of these provisions.

Publication Date: January 4, 2000
Effective Date: January 4, 2000
Expiration Date: June 2, 2000
Hearing Date: March 20, 2000

2. Rules adopted creating **ch. PI 10**, relating to supplemental aid for school districts with a large area.

Finding of Emergency

The Department of Public Instruction finds that an emergency exists and that a rule is necessary for the immediate preservation of the public welfare. A statement of the facts constituting the emergency is:

1999 Wis. Act 9 appropriated \$125,000 to be awarded by the department to eligible school districts in the 1999–2000 school year. Emergency rules are necessary to clarify the eligibility criteria and procedures for school districts to apply for funds under the program.

The rules contained in this order shall take effect upon publication as emergency rules pursuant to the authority granted by s. 227.24, Stats.

Publication Date: January 28, 2000
Effective Date: January 28, 2000
Expiration Date: June 26, 2000
Hearing Date: March 15, 2000

3. Rules adopted creating **ch. PI 24**, relating to state aid for achievement guarantee contracts and aid for debt service.

Finding of Emergency

The Department of Public Instruction finds that an emergency exists and that a rule is necessary for the immediate preservation of the public welfare. A statement of the facts constituting the emergency is:

State Aid for Achievement Guarantee Contracts:

The department will send SAGE contract information to school districts by mid-February and require proposed contracts to be submitted to the department by April 1, 2000. Emergency rules are necessary to clarify the eligibility criteria and requirements for school districts applying for state aid for achievement guarantee contracts in time for the 2000–2001 school year.

Partial Debt Service Reimbursement:

On or after October 29, 1999, a school board must adopt an initial resolution under s. 67.05 (6a), Stats., for issuance of bonds where the purpose for borrowing includes providing funds for classroom expansion necessary to fulfill a contract under s. 118.43, Stats. Emergency rules are necessary to clarify the criteria and procedures for SAGE school districts to receive partial debt service reimbursement for the 2000–2001 school year.

The proposed rules contained in this order shall take effect upon publication as emergency rules pursuant to the authority granted by s. 227.24, Stats.

Publication Date: January 28, 2000
Effective Date: January 28, 2000
Expiration Date: June 26, 2000
Hearing Date: March 15, 2000

4. Rules adopted creating **ch. PI 44**, relating to alternative education grants.

Finding of Emergency

The Department of Public Instruction finds that an emergency exists and that a rule is necessary for the immediate preservation of the public welfare. A statement of the facts constituting the emergency is:

1999 Wis. Act 9 appropriated \$5,000,000 to be awarded by the department to eligible school districts or consortia of school districts in the 2000–2001 school year. Emergency rules are necessary to clarify the eligibility criteria and procedures for school districts or consortia of school districts to apply for funds under the program.

The rules contained in this order shall take effect upon publication as emergency rules pursuant to the authority granted by s. 227.24, Stats.

Publication Date: January 28, 2000
Effective Date: January 28, 2000
Expiration Date: June 26, 2000
Hearing Dates: March 9, 14 & 15, 2000

5. Rules adopted creating **s. PI 6.07**, relating to the public library system aid payment adjustments.

Finding of Emergency

The Department of Public Instruction finds that an emergency exists and that a rule is necessary for the immediate preservation of

the public welfare. A statement of the facts constituting the emergency is:

In accordance with s. 43.24 (1)(b), Stats., the rules adjust public library aid payments to be consistent with system services areas after territorial changes occur. Using the formula created under the rule, an aid adjustment will be paid by the department in April for a territorial change. Emergency rules must be in place before the formula may be used.

Publication Date: March 4, 2000
Effective Date: March 4, 2000
Expiration Date: August 1, 2000

6. Rules adopted revising **ch. PI 32**, relating to grants for alcohol and other drug abuse programs.

Finding of Emergency

The Department of Public Instruction finds that an emergency exists and that a rule is necessary for the immediate preservation of the public welfare. A statement of the facts constituting the emergency is:

For the upcoming school year, the department will send grant application materials to school districts in March. Grant applications must be returned to the department in the spring of 2000 and grants will be awarded prior to July 1, 2000. In order for applicants to development proposals and for the state superintendent to review the proposals and make grant awards in time for the 2000–2001 school year, rules must be in place as soon as possible.

Publication Date: March 4, 2000
Effective Date: March 4, 2000
Expiration Date: August 1, 2000

EMERGENCY RULES NOW IN EFFECT (2)

Revenue

1. Rule adopted creating **s. Tax 18.08 (4)**, relating to assessment of agricultural land.

Finding of Emergency

The Wisconsin Department of Revenue finds that an emergency exists and that a rule is necessary for the immediate preservation of the public peace, health, safety or welfare. A statement of facts constituting the emergency is:

1995 Wisconsin Act 27 changed the way agricultural land is valued for property tax purposes. The law requires the Farmland Advisory Council to make recommendations regarding the transition from valuation under prior law to valuation under current law, and requires the department to promulgate rules to implement those recommendations.

On October 18, 1999, the Farmland Advisory Council recommended that agricultural land be assessed as of January 1, 2000 and thereafter according to value in agricultural use. Major Wisconsin farm organizations, among others, have petitioned the Department under s. 227.12, Stats., to promulgate an administrative rule implementing the Council's recommendation.

Since the Department holds assessor schools in November and typically publishes the next years use–value guidelines prior to January 1 of that year, an emergency rule requiring assessment of each parcel of agricultural land according to its value in agricultural

use is necessary for the efficient and timely assessment of agricultural land as of January 1, 2000.

Publication Date: November 30, 1999
Effective Date: November 30, 1999
Expiration Date: April 27, 2000
Hearing Date: January 7, 2000

2. Rules were adopted revising **ch. WGC 61**, relating to the implementation and maintenance of the retailer performance program of the Wisconsin lottery.

Finding of Emergency

The Department of Revenue finds that an emergency exists and that a rule is necessary for the immediate preservation of the public peace, health, safety or welfare. A statement of the facts constituting the emergency is:

Sections 565.02 (4)(g) and 565.10 (14)(b)3m., Stats., as created by 1999 Wis. Act 9, provide for the implementation of a retailer performance program, effective January 1, 2000. The program may be implemented only by the promulgation of rules.

This rule is therefore promulgated as an emergency rule and shall take effect upon publication in the official state newspaper. The retailer performance program is being implemented retroactively to January 1, 2000, pursuant to Section 9443 (1) of 1999 Wis. Act 9.

Publication Date: March 3, 2000
Effective Date: March 3, 2000
Expiration Date: July 31, 2000
Hearing Date: May 31, 2000
[See Notice this Register]

EMERGENCY RULES NOW IN EFFECT

Wisconsin Technical College System

Rules adopted creating **ch. TCS 16**, relating to grants for students.

Finding of Emergency

The Wisconsin Technical College System (WTCS) Board finds that an emergency exists and that a rule is necessary for the immediate preservation of the public peace, health, safety or welfare. A statement of facts constituting the emergency is:

1999 Wis. Act 9 (the 2000–2001 biennial budget bill) took effect on October 29, 1999. That act created ss. 20.292(1)(ep) and 38.305, Stats. An annual appropriation of \$6,600,000 GPR in the second fiscal year of the 2000–2001 biennium was established. These funds are to be awarded by the WTCS Board as grants to students who are attending a Wisconsin technical college on a full–time basis and who are enrolled in a vocational diploma or associate degree program.

The Act requires the WTCS Board to promulgate rules to implement and administer the awarding of these grants. The Board has begun the permanent rule making process for establishing administrative rules for these student grants, but cannot complete the required public hearing and review of these rules prior the start of the upcoming school year, which begins on July 1, 2000. Moreover, prospective students evaluate their educational options, including costs, as early as February preceding their graduation from high school. Therefore, for the TOP Grant program to be implemented and the funds distributed to each technical college district, and in turn to each eligible student, in time for the upcoming school year, emergency administrative rules must be established immediately.

Publication Date: February 1, 2000
Effective Date: February 1, 2000
Expiration Date: June 30, 2000
Hearing Date: May 1, 2000

EMERGENCY RULES NOW IN EFFECT (2)

Transportation

1. Rules adopted revising **ch. Trans 4**, relating to requiring the use of a fully allocated cost methodology when evaluating bids solicited for transit service in a competitive process.

Exemption From Finding of Emergency

Chapter Trans 4 establishes the Department's administrative interpretation of s. 85.20, Stats. and prescribes administrative policies and procedures for implementing the state urban public transit operating assistance program authorized under s. 85.20, Stats. 1999 Wis. Act 9, section 9150(2bm), requires the Department to adopt an emergency rule to amend Chapter Trans 4 by adding a section that requires that cost proposals submitted by a publicly owned transit system in response to a request for proposals issued by a public body for the procurement of transit services to be funded under the state urban transit operating assistance program must include an analysis of fully allocated costs. The analysis must include all of the publicly owned system's costs, including operating subsidies and capital grants. This analysis shall be the basis for evaluating costs when ranking proposals.

Pursuant to 1999 Wis. Act 9, section 9150(2bm)(b), the Department is not required to provide evidence that the rule is necessary for the preservation of the public peace, health, safety or welfare, and is not required to provide a finding of emergency.

Publication Date: December 12, 1999
Effective Date: December 12, 1999
Expiration Date: See 1999 Wis. Act 9, section 9150 (2bm)
Hearing Date: February 14, 2000

2. Rule adopted creating **s. Trans 4.09 (4)**, relating to cost-efficiency standards for systems participating in the Urban Mass Transit Operating Assistance program.

Finding of Emergency

The Department of Transportation finds that an emergency exists and that the rule is necessary for the immediate preservation of the public peace, health, safety or welfare. A statement of the facts constituting the emergency is as follows:

1999 Wis. Act 9 specifies that the Department may not enter into a contract for the payment of state aids until cost-efficiency standards have been incorporated into an administrative rule, which is "in effect" for calendar year 2000 contracts, and unless the contract requires the transit system to comply with those rules as a condition of receiving state aid. The Department is promulgating this emergency rule making so that state aid contracts can be executed prior to the scheduled first quarter payment date (March 31) in calendar year 2000 to ensure that payments are not delayed causing undue hardship to Wisconsin municipalities.

Publication Date: March 23, 2000
Effective Date: March 23, 2000
Expiration Date: See 1999 Wis. Act 9, section 9150 (2bm)
Hearing Date: April 12, 2000

EMERGENCY RULES NOW IN EFFECT

Workforce Development

(Economic Support, Chs. DWD 11–59)

Rules adopted creating **s. DWD 12.28**, relating to Wisconsin works disregard of year 2000 census income.

Finding of Emergency

The Department of Workforce Development finds that an emergency exists and that a rule is necessary for the immediate preservation of the public peace, health, safety, or welfare. A statement of facts constituting the emergency is:

The Department of Workforce Development is acting under its statutory authority to establish additional eligibility criteria and specify how eligibility criteria are to be administered for the Wisconsin Works (W-2) program. The department is promulgating a rule to exclude income earned from temporary employment with the U.S. Census Bureau in determining W-2 and child care eligibility and child care copayments. The rule will contribute to the welfare of the people of Wisconsin by broadening the pool of available workers to help ensure an accurate Census count, particularly in low-income neighborhoods. The rule must be effective immediately because temporary Census employment is expected to begin April 2000 and last two to six months. DWD will not be seeking a permanent rule on this issue.

Publication Date: April 9, 2000
Effective Date: April 9, 2000
Expiration Date: September 6, 2000
Hearing Date: May 15, 2000
 [See Notice this Register]

EMERGENCY RULES NOW IN EFFECT

Workforce Development

(Prevailing Wage Rates, Ch. DWD 290–294)

A rule was adopted revising **s. DWD 290.155**, relating to the annual adjustment of thresholds for application of the prevailing wage rates for state or local public works projects.

Finding of Emergency

The Department of Workforce Development finds that an emergency exists and that a rule is necessary for the immediate preservation of the public peace, health, safety, or welfare. A statement of facts constituting the emergency is:

The Department of Workforce Development is acting under its statutory authority to annually adjust thresholds for the application of prevailing wage laws on state or local public works projects. The thresholds are adjusted in accordance with any change in construction costs since the last adjustment. The last adjustment was by emergency rule in January 1999 based on construction costs in December 1998. The Department uses the construction cost index in the December issue of the Engineering News-Record, a national construction trade publication, to determine the change in construction costs over the previous year. The current construction cost index indicates a 2.3% increase in construction costs over the previous year. This increase in construction costs results in an increase in the threshold for application of the prevailing wage laws from \$33,000 to \$34,000 for single-trade projects and from \$164,000 to \$168,000 for multi-trade projects.

If these new thresholds are not put into effect by emergency rule, the old thresholds will remain effective for approximately six

months, until the conclusion of the permanent rule-making process. Between January 1, 2000, and July 1, 2000, a single-trade project with a minimum estimated project cost of more than \$33,000 but less than \$34,000 or a multi-trade project with an estimated cost of more than \$164,000 but less than \$168,000 would not be exempt from the prevailing wage laws, as they would be if the emergency rule were promulgated. The threshold adjustments for application of the prevailing wage laws are based on national construction cost statistics and are unlikely to be changed by the permanent

rule-making process. The Department is proceeding with this emergency rule to avoid imposing an additional administrative burden on local governments and state agencies.

Publication Date: December 29, 1999

Effective Date: January 1, 2000

Expiration Date: May 30, 2000

Hearing Date: February 28, 2000

STATEMENTS OF SCOPE OF PROPOSED RULES

Chiropractic Examining Board

Subject:

Chir Code – Relating to specific topic areas for continuing education.

Description of policy issues:

Objective of the rule:

The objective of the rule is to add requirements for specific topic areas, such as professional ethics and boundary issues, to continuing education requirements.

Policy analysis:

Clarification may incidentally be made that the continuing education requirement does not apply in the first biennium following initial licensure. The Board would like to use continuing education to address the areas of greatest need for chiropractors, as reflected in reported disciplinary actions.

Statutory authority:

Sections 15.08 (5) (b) and 227.11 (2), Stats.

Estimate of the amount of state employee time and any other resources that will be necessary to develop the rule:

100 hours.

Insurance, Commissioner of

Subject:

S. Ins 3.39 – Relating to Medicare supplement and Medicare replacement provisions.

Description of policy issues:

a) A statement of the objective of the proposed rule:

Due to the passage of the federal Balanced Budget Reconciliation Act of 1999, amendment to s. Ins 3.39, Wis. Adm. Code, is necessary. The National Association of Insurance Commissioners (NAIC) is amending the Model Medicare Supplement Act and Model Medicare Supplement Regulations to conform with the Balanced Budget Reconciliation Act of 1999, changes with which the state of Wisconsin must comply. In addition due to discussions with the federal HCFA, the provisions in s. Ins 3.39, Wis. Adm. Code, pertaining to Medicare Replacement need to be amended.

b) A description of existing policies relevant to the rule and of new policies proposed to be included in the rule and an analysis of policy alternatives:

The revisions within the Balanced Budget Reconciliation Act of 1999 include broadened provisions to protect the interests of the senior citizens and provisions that will be coupled with existing provisions to enhance protections accorded senior citizens within the state of Wisconsin.

A statement of the statutory authority for the rule:

Sections 628.34 (12), 628.38, 631.20, 632.76, and 632.81, Stats.

An estimate of the amount of time state employees will spend to develop the rule and a description of other resources necessary to develop the rule:

A working group within the agency will review the Balanced Budget Reconciliation Act of 1999 and the NAIC Model Acts. Depending on the amount of work provided by NAIC, it is estimated to take approximately 500 hours.

Natural Resources

(Fish, Game, etc., Chs. NR 1--)

Subject:

S. NR 1.212 (1) and (2) – Relating to private forestry priorities for assistance; and

S. NR 1.213 (3) (b) – Relating to the Cooperating Forester Program.

Description of policy issues:

Description of policy issues to be resolved, include groups likely to be impacted or interested in the issue:

Both of the proposed rule changes would affect and be of interest to non-industrial private landowners, private consulting foresters, industrial foresters, forest industries and many conservation groups. The first change would revise Department foresters' priorities for assistance to heighten the importance of initial contacts and simple, first-time guidance to landowners. The importance of referrals to private and industrial Cooperating Foresters for complex services to more experienced landowners would also be strengthened. The second change would require participating Cooperating Foresters to agree to practice sound forestry in all their work with private landowners, not just on referred cases.

This rule/Board action represents a change from past policy.

Explain the facts that necessitate the proposed change:

The demand for private forestry assistance from Department foresters is estimated to be about three times the DNR's capacity to meet it. The rule changes are being proposed as one step in a package of efforts to increase the productivity of the existing private forestry assistance staff. The change to s. NR 1.212 would help emphasize that the Department's first priority is to get landowners started in the right direction, while other external partners are able to provide more complex implementation services. A revision to s. NR 1.2 12 would also help to distinguish between parts of services that Department foresters are most effective in providing. The second proposed change, in s. NR 1.213, is meant to increase the public's confidence in hiring private Cooperating Foresters to follow-through with management practices. Currently, landowners are suspicious of seeking service from some Cooperating Foresters that are perceived to have practiced questionable management elsewhere.

This rule/Board action does not represent an opportunity for pollution prevention and/or waste minimization.

This action is an adoption of federal requirements that do not include or allow for pollution prevention.

Statutory authority:

Sections 23.09 (2) (h), 26.35, 28.07 and 227.11 (2), Stats.

Anticipated time commitment:

The anticipated time commitment is 50 hours. Two public hearings will be held during September/October 2000 at Wausau and Eau Claire.

Pharmacy Examining Board

Subject:

Phar Code – Relating to requirements for the dispensing of prescription orders for controlled substances.

Description of policy issues:

Objective(s) of the rule:

The objective of the rule is to bring the rules into conformity with the federal controlled substances prescription rules to allow the pharmacist, after consultation with the prescriber, to clarify certain ambiguous elements or supply certain missing terms. Another objective is to modify the terminology for the required elements to correspond with their federal rule counterparts.

Policy analysis:

Currently, the federal rules allow information additions to be made to a prescription order for a controlled substance excluding only changes to the patient's name, the controlled substance prescribed (except for generic substitution permitted by state law) or the prescriber's signature. Allowing pharmacists to make similar changes would address a problem which has arisen regarding a drug manufacturer changing the available strengths of drug, while prescribers unknowingly prepare the prescription order for that drug which is silent as to strength. Under current rules, a patient's only alternatives are to return the prescription order to the prescriber for redrafting, or the pharmacist must attempt to contact the prescriber(s) and obtain a redrafted prescription via alternate means. The amendment would also recast the required elements of prescription other drug description consistent with the federal terms, namely: strength, dosage form, and quantity prescribed.

Statutory authority:

Sections 15.08 (5) (b), 227.11(2), Stats., and ch. 450, Stats.

Estimate of the amount of state employee time and any other resources that will be necessary to develop the rule:

100 hours.

Psychology Examining Board**Subject:**

S. Psy 4.02 – Relating to approval of continuing education programs.

Description of policy issues:*Objective(s) of the rule:*

The objective is to repeal and recreate s. Psy 4.02 (2) and (4) in their entirety. Due to a clerical oversight, however, s. Psy 4.02 (4) (a) was repealed, but s. Psy 4.02 (4) (b) remained in place. The objective is to correct that oversight.

Policy analysis:

[Clearinghouse Rule 98–206](#) repealed and recreated the continuing education rules for purposes of simplification and the convenience of licensees. The previous rules establishing the requirements for approval of continuing education had evolved in a somewhat disorganized manner and were confusing to licensees and difficult for the Board to administer. The Board repealed and recreated the rule to remedy that situation by clarifying and simplifying the approval process.

Statutory authority:

Sections 15.08 (5) (b), 227.11 (2), 455.045 (3), 455.065 and 455.08, Stats.

Estimate of the amount of time that state employees will spend to develop the rule and of other resources necessary to develop the rule:

100 hours.

***Regulation and Licensing
(Real Estate Appraisers Board)*****Subject:**

Chs. RL 86 and 87 – Relating to the Uniform Standards of Appraisal Practice (USPAP) requirements as promulgated by the Appraisal Standards Board of the Appraisal Foundation.

Description of policy issues:*Objective(s) of the rule:*

- Repeal s. RL 86.01 (6) because it is not consistent with the Competency Rule contained in USPAP.
- Repeal and recreate ch. RL 87, Appendix I, the Uniform Standard of Professional Appraisal Practice, to include recent revisions to the Standards.

Policy analysis:

These rules will adopt revisions contained in the current edition of the Uniform Standards of Professional Appraisal Practice.

Statutory authority:

Sections 227.11 (2), 458.03, 458.05 and 458.24, Stats.

Estimate of the amount of state employee time and any other resources that will be necessary to develop the rule:

100 hours.

Transportation**Subject:**

Ch. Trans 134 – Relating to administrative procedure for designating authorized special groups and issuing special group license plates.

Description of policy issues:*Description of the objective of the rule:*

This rule-making will amend ch. Trans 134, which implements 1997 Wis. Act 255, relating to administrative procedure for designating authorized special groups and issuing special group license plates.

Description of existing policies relevant to the rule and of new policies proposed to be included in the rule and an analysis of policy alternatives:

Currently, ch. Trans 134 prohibits a group from receiving a restricted plate. The Department had prohibited restricted plates because of the administrative burden to the Division of Motor Vehicles (DMV); however, DMV has reconsidered this policy, and has developed a procedure that would allow restricted plates with a minimal administrative burden to DMV. The proposed amendment would establish this policy and procedure.

Statutory authority for the rule:

Section 341.14 (6r) (fm) 6., Stats.

Estimates of the amount of time that state employees will spend developing the rule and of other resources necessary to develop the rule:

Approximately 40 hours.

SUBMITTAL OF RULES TO LEGISLATIVE COUNCIL CLEARINGHOUSE

Notice of Submittal of Proposed Rules to Wisconsin Legislative Council Rules Clearinghouse

Please check the Bulletin of Proceedings for further information on a particular rule.

Commerce

Rule Submittal Date

On April 11, 2000, the Wisconsin Department of Commerce referred a proposed rule to the Wisconsin Legislative Council Rules Clearinghouse.

Analysis

The proposed rule affects chs. Comm 20–25, Wis. Adm. Code, relating to the Uniform Dwelling Code.

Agency Procedure for Promulgation

A public hearing is required and public hearings are scheduled for May 12, 15, 16 and 17, 2000. The agency unit primarily responsible for the proposed rule is the Division of Safety and Buildings/Program Development.

Contact Information

If you have questions, please contact:

Duane Hubeler
Telephone (608) 266–1390

Investment Board

Rule Submittal Date

Notice is hereby given that the Investment Board submitted a proposed rule creating s. IB 2.04, Wis. Adm. Code, relating to Investment Board title holding companies, to the Legislative Rules Clearinghouse on April 6, 2000, pursuant to s. 227.14 (4m), Stats.

Analysis

The proposed rule would allow the Investment Board to purchase and hold title to investments through limited liability companies. This would help to protect funds managed by the Board from liabilities arising out of the ownership of real property or other investments and provide greater flexibility in structuring investment transactions.

Limited liability companies have become the title holding vehicle of choice for use by pension funds and other institutional investors when purchasing assets with significant liability risks. They provide a degree of protection from uninsured liabilities that is similar to corporations, yet allow pass-through tax status, which is important to the Investment Board as a tax-exempt entity. In addition, limited liability companies are subject to fewer formalities and reporting requirements than corporations and may be operated by either the owners or a separate manager. To avoid concerns about operation of a profit-making entity by a public agency, the rule requires use of company management independent from the Investment Board.

The proposed rule is intended to protect and enhance returns on investments made by the Investment Board for assets under its management. The rule implements authority granted to the Board by ss. 25.17 (3) (a) and (7), 25.18 (1) (e), (f) and (m) and (2), and 620.22, Stats. The Investment Board has rule-making powers under s. 25.156 (1), Stats.

Agency Procedure for Promulgation

The Investment Board intends to promulgate the proposed rule without a public hearing, pursuant to s. 227.16 (2) (e), Stats., unless

a public hearing is duly requested. The Board's legal staff is primarily responsible for promulgation of the rule-making order.

Contact Information

If you have questions, please contact:

Keith Johnson
Chief Legal Counsel
Telephone (608) 266–2381

Natural Resources

(Fish, Game, etc., Chs. NR 1--)

Rule Submittal Date

On April 10, 2000, the Wisconsin Department of Natural Resources referred a proposed rule [Board Order No. FH–25–00] to the Wisconsin Legislative Council Rules Clearinghouse.

Analysis

The proposed rule affects s. NR 20.20 (73) (f) 4., Wis. Adm. Code, relating to sport fishing regulations for largemouth and smallmouth bass on inland waters.

Agency Procedure for Promulgation

A public hearing is required and is scheduled for Wednesday, May 31, 2000.

Contact Information

If you have questions, please contact:

Tim Simonson
Bureau of Fisheries Management & Wildlife Protection
Telephone (608) 266–5222

Natural Resources

(Fish, Game, etc., Chs. NR 1--)

Rule Submittal Date

On April 10, 2000, the Wisconsin Department of Natural Resources referred a proposed rule [Board Order No. FR–19–00] to the Wisconsin Legislative Council Rules Clearinghouse.

Analysis

The proposed rule affects ch. NR 46, Wis. Adm. Code, relating to establishing administrative deadlines and processes and revising timber stumpage rates for lands entered under the Managed Forest Law and the Forest Crop Law.

Agency Procedure for Promulgation

A public hearing is required and is scheduled for Thursday, May 11, 2000.

Contact Information

If you have questions, please contact:

Ken Hujanen
Bureau of Forestry
Telephone (608) 266–3545

Natural Resources**(Environmental Protection--General,
Chs. NR 100--)****Rule Submittal Date**

On April 10, 2000, the Wisconsin Department of Natural Resources referred a proposed rule [Board Order No. FH-17-00] to the Wisconsin Legislative Council Rules Clearinghouse.

Analysis

The proposed rule affects ch. NR 190, Wis. Adm. Code, relating to lake management planning grants.

Agency Procedure for Promulgation

A public hearing is required and public hearings are scheduled for May 18, 23 and 24, 2000.

Contact Information

If you have questions, please contact:

Carroll Schaal
Bureau of Fisheries Management & Habitat Protection
Telephone (608) 261-6423

Revenue**Rule Submittal Date**

On the date April 13, 2000, the Wisconsin Department of Revenue submitted a proposed rule to the Wisconsin Legislative Council Rules Clearinghouse.

Analysis

The proposed rule revises ss. WGC 61.02, 61.04 and 61.08 and creates s. WGC 61.085, Wis. Adm. Code, relating to the retailer performance program.

Agency Procedure for Promulgation

A public hearing is required and a public hearing on the proposed rule has been scheduled for Wednesday, May 31, 2000. The Office of the Secretary is primarily responsible for the promulgation of the proposed rule.

Contact Information

If you have questions regarding this rule, please contact:

James Amberson
Lottery Division
Telephone (608) 267-4840

Transportation**Rule Submittal Date**

On April 12, 2000, the Wisconsin Department of Transportation submitted a proposed rule to the Wisconsin Legislative Council Rules Clearinghouse.

Analysis

The proposed rule affects ch. Trans 276, relating to allowing the operation of "double bottoms" (and certain other vehicles) on specified highways.

Agency Procedure for Promulgation

A public hearing is required and a public hearing on the proposed rule has been scheduled for Friday, May 19, 2000. The organizational unit responsible for the promulgation of the proposed rule is the Division of Infrastructure Development, Bureau of Highway Operations.

Contact Information

If you have questions regarding this rule, please contact:

Julie A. Johnson, Paralegal
Dept. of Transportation
Telephone (608) 266-8810
FAX (608) 267-6734

Transportation**Rule Submittal Date**

On April 10, 2000, the Wisconsin Department of Transportation submitted a proposed rule to the Wisconsin Legislative Council Rules Clearinghouse.

Analysis

The proposed rule affects ch. Trans 327, relating to motor carrier safety requirements.

Agency Procedure for Promulgation

A public hearing is required and a public hearing on the proposed rule has been scheduled for Thursday, May 11, 2000. The organizational unit responsible for the promulgation of the proposed rule is the Division of State Patrol, Bureau of Field Services and Training.

Contact Information

If you have questions regarding this rule, please contact:

Julie A. Johnson, Paralegal
Dept. of Transportation
Telephone (608) 266-8810
FAX (608) 267-6734

NOTICE SECTION

Notice of Hearings

Commerce
(Uniform Dwelling,
Chs. Comm 20–25)
[CR 00–73]

Notice is hereby given that pursuant to ss. 101.02 (1), 101.63 (1), 101.64 (3), 101.72 and 101.74 Stats., the Department of Commerce announces that it will hold public hearings on proposed rules relating to the Uniform (1–2 Family) Dwelling Code, chs. Comm 20–25.

Hearing Information

May 12, 2000 Portage Co. Human Services Bldg.

Friday Conference Room

10:00 a.m. 817 Whiting Avenue

Stevens Point, WI

May 15, 2000

Monday Tommy G. Thompson

10:00 a.m. Commerce Center

Conference Room 3B

201 W. Washington Ave.

Madison, WI

May 16, 2000

Tuesday Eau Claire State Office Bldg.

11:00 a.m. Room 105

718 W. Clairemont Ave.

Eau Claire, WI

May 17, 2000

Wednesday Waukesha State Office Bldg.

10:00 a.m. Room 120

141 N.W. Barstow St.

Waukesha, WI

Interested persons are invited to appear at the hearings and present comments on the proposed rules. Persons making oral presentations are requested to submit their comments in writing. Persons submitting comments will not receive individual responses. The hearing record on this proposed rulemaking will remain open until **Friday, June 2, 2000** to permit submittal of written comments from persons who are unable to attend a hearing or who wish to supplement testimony offered at a hearing.

These hearings are held in accessible facilities. If you have special needs or circumstances that may make communication or accessibility difficult at the hearing, please call (608) 266–8741 or TTY at (608) 264–8777 at least 10 days prior to the hearing date. Accommodations such as interpreters, English translators, or materials in audio tape format will, to the fullest extent possible, be made available upon request by a person with a disability.

Analysis of Proposed Rules

Statutory Authority: ss. 101.02 (1), 101.63 (1), 101.64 (3), 101.72 and 101.74

Statutes Interpreted: ss. 101.02 (1), 101.63 (1), 101.64 (3), 101.72 and 101.74

Under the statute sections listed above, the Department of Commerce has the responsibility to adopt rules that establish standards for the construction of 1– and 2–family dwellings. Sections 101.63 (5) and 101.73 (8) require the department to biennially review these rules. This proposed order is the result of the latest review. The vast majority of these proposed rule changes are intended to clarify current policies and requirements. The code sections that are substantially changed under this order are listed below:

S. Comm 20.10 (1) (b) 4. – Adds a limit of 5 business days for the final inspection to be completed prior to occupancy of a dwelling;

S. Comm 21.03 (6) (d) – Allows additional permanent fixtures to be installed under an egress window;

S. Comm 21.04 (3) – Adds rules for curved or irregular landings;

S. Comm 21.09 (1) – Adds the requirement for a hard-wired smoke detector with battery backup to be placed inside each bedroom in new construction;

S. Comm 21.11 (1) (c) – Allows foam plastic to be used in the box sill area of the basement without the need to be covered with a thermal barrier;

S. Comm 21.18 is completely recreated to use the latest national standards for masonry block foundation walls.

S. Comm 22.18 – Adds requirements for duct and plenum sealing; and

S. Comm 23.06 is completely recreated to use national standards for the provision of combustion air for fuel-fired appliances.

A copy of the proposed rules may be obtained without cost from Audrey Fries, Department of Commerce, Program Development Bureau, P.O. Box 2689, Madison, Wisconsin 53701, telephone (608) 266–9375 or (608) 264–8777 (TTY). Copies will also be available at the public hearings.

Environmental Assessment

Notice is hereby given that the Department has prepared a preliminary Environmental Assessment (EA) on the proposed rules. The preliminary recommendation is a finding of no significant impact. Copies of the preliminary EA are available from the Department on request and will be available at the public hearings. Requests for the EA and comments on the EA should be directed to:

Robert Langstroth
Division of Safety & Buildings
Department of Commerce
P.O. Box 2599
Madison, WI 53701
Telephone (608) 264–8801
or TTY (608) 264–8777

Written comments will be accepted until **Friday, June 2, 2000**.

Initial Regulatory Flexibility Analysis

1. Types of small businesses that will be affected by the rules.

All one- and two-family dwellings constructed in the state are required to comply with these rules. Contractors, tradespeople, material suppliers, and other small businesses have been affected by these rules since their inception. The current package of changes should have very little additional impact.

2. Reporting, bookkeeping and other procedures required for compliance with the rules.

There are no additional reporting or bookkeeping procedures required as a result of these rules.

3. Types of professional skills necessary for compliance with the rules.

There are no additional skills necessary to comply with these rules.

Fiscal Estimate

There is no fiscal effect.

Notice of Hearing

Ethics Board

[CR 00-71]

The State of Wisconsin Ethics Board announces that it will hold a public hearing on a proposed rule related to the identification of a topic of a lobbying communication under s. 19.67, Stats. The hearing will be held at the time and place shown below. The public is invited to attend the hearing and make comments on the proposed rule. You do not need to attend the public hearing to officially comment on the proposed rule. You can submit written comments to the Board. Following the public hearing, the hearing record will remain open through **May 12, 2000** for written comments. Send comments to:

Jonathan Becker
Wisconsin Ethics Board
44 East Mifflin St., Suite 600
Madison, WI 53703

An interpreter for the hearing impaired will be available on request for this hearing. Please make a request by **May 1, 2000**, either by writing to the above address or by calling (608) 266-8123.

Hearing Information

One hearing is scheduled; it is handicap accessible:

Thursday Wisconsin Ethics Board
May 11, 2000 44 East Mifflin St., Suite 600
Commencing at 10:00 a.m. Madison, WI

Fiscal Estimate

The Ethics Board anticipates no fiscal effect.

Initial Regulatory Flexibility Analysis

Pursuant to s. 227.114, Stats., the rule is not expected to negatively impact on small businesses.

Analysis Prepared by the Ethics Board

Statutory authority: s. 13.685(4)

Statutes interpreted: ss. 13.67 and 13.68(1)(bn)

The Ethics Board administers Wisconsin's Lobbying Law, Ch. 13, subch. III, Stats. Under that law, s.13.67, Stats., a lobbying principal must identify to the Ethics Board, beginning July 1, 2000, each topic of a lobbying communication that is not a legislative proposal or proposed administrative rule that has been numbered or a budget bill subject. Section 13.67 requires that a principal describe each topic with reasonable specificity, sufficient to identify the subject matter of the lobbying communication and whether the communication is an attempt to influence legislative or administrative action, or both. Section 13.685(4), Stats., requires that the Ethics Board, by rule, define what constitutes a topic. The proposed rule describes the type of information that a lobbying principal must provide to satisfy the statutory identification requirement, pursuant to ss. 13.67 and 13.68(1)(bn), Stats.

Text of Proposed Rule

Chapter Eth 4 is created to read:

Chapter Eth 4 IDENTIFICATION OF A TOPIC OF A LOBBYING COMMUNICATION

Eth 4.01. A principal reports a topic as required by s. 13.67(1), Stats., if it provides the board with a written description of the subject of a lobbying communication, or series of lobbying communications, sufficient to permit a person to ascertain without extraordinary diligence:

- (a) the specific state regulatory matter or private sector business or other activity which the effort is intended to affect and how it is intended to be affected;
- (b) the industries, trades, or professions, or segments or portions thereof, that would be principally affected by the effort;
- (c) in the case of an appropriation, the state program or person for which the appropriation is proposed and the approximate amount, if known; and

(d) such additional information as the board determines is necessary to comply with the requirement in s. 13.67(1), Stats.

Notice of Hearing
Professional Geologists,
Hydrologists and Soil
Scientists Examining Board
[CR 00–64]

Notice is hereby given that pursuant to authority vested in the Examining Board of Professional Geologists, Hydrologists and Soil Scientists in ss. 15.08 (5) (b), 227.11 (2), 470.03 (1) (a), (b) and (c), and 470.04, (Stats.), and interpreting ss. 470.03 (1) (a), (b) and (c) and 470.05, Stats., the Examining Board of Professional Geologists, Hydrologists and Soil Scientists will hold a public hearing at the time and place indicated below to consider an order to amend ss. GHSS 2.06 (7) (b), 3.05 (2) (b) and (7) (b) and 4.05 (2) (c) and (7) (b), relating to educational and experience requirements prior to sitting for the fundamentals examination.

Hearing Information

May 23, 2000 1400 East Washington Avenue
Tuesday Room 180
9:45 A.M. Madison, Wisconsin

Appearances at the Hearing

Interested persons are invited to present information at the hearing. Persons appearing may make an oral presentation but are urged to submit facts, opinions and argument in writing as well. Facts, opinions and argument may also be submitted in writing without a personal appearance by mail addressed to the Department of Regulation and Licensing, Office of Administrative Rules, P.O. Box 8935, Madison, Wisconsin 53708. Written comments must be received by **June 12, 2000** to be included in the record of rule-making proceedings.

Analysis prepared by the Department of Regulation and Licensing

Statutes authorizing promulgation: ss. 15.08 (5) (b), 227.22 (2), 470.03 (1) (a), (b) and (c), and 470.04

Statutes interpreted: ss. 470.03 (1) (a), (b) and (c), and 470.05

This proposed rule-making order of the Professional Geologists, Hydrologists and Soil Scientists contains amendments of a housekeeping nature that relate to the educational and experience requirements prior to sitting for the fundamentals examination for professional hydrology and soil science, and clarity and grammar of the current rules.

SECTIONS 2 and 4 amend provisions to reduce the fundamentals examination professional hydrologists and professional soil scientists experience from 5 to 4 years.

SECTIONS 1, 3, and 5 amend a provision to remove language containing reference to an examination that is not required.

Fiscal Estimate

1. The anticipated fiscal effect on the fiscal liability and revenues of any local unit of government of the proposed rule is: \$0.00.
2. The projected anticipated state fiscal effect during the current biennium of the proposed rule is: \$0.00.
3. The projected net annualized fiscal impact on state funds of the proposed rule is: \$0.00.

Initial Regulatory Flexibility Analysis

These proposed rules will be reviewed by the department through its Small Business Review Advisory Committee to determine whether there will be an economic impact on a substantial number of small businesses, as defined in s. 227.114 (1) (a), Stats.

Copies of Rule and Contact Person

Copies of this proposed rule are available without cost upon request to: Pamela Haack, Department of Regulation and Licensing, Office of Administrative Rules, 1400 East Washington Avenue, Room 171, P.O. Box 8935, Madison, Wisconsin 53708 (608) 266–0495.

Notice of Hearing

Natural Resources

(Fish, Game, etc., Chs. NR 1 –)

[CR 00–75]

Notice is hereby given that pursuant to ss. 29.014(1), 29.041 and 227.11(2)(a), Stats., interpreting ss. 29.014(1) and 29.041, Stats., the Department of Natural Resources will hold a public hearing on the amendment of s. NR 20.20(73)(f)4., Wis. Adm. Code, relating to sport fishing regulations for largemouth and smallmouth bass on inland waters. The proposed rule excludes all waters of Burnett, Washburn, Sawyer, Rusk and Chippewa counties from the “northern bass zone” within which the daily bag limit is 0 (catch and release only) from the first Saturday in May to the third Saturday in June.

Initial Regulatory Flexibility Analysis

Notice is hereby further given that pursuant to s. 227.114, Stats., it is not anticipated that the proposed rule will have an economic impact on small businesses.

Environmental Assessment

Notice is hereby further given that the Department has made a preliminary determination that this action does not involve significant adverse environmental effects and does not need an environmental analysis under ch. NR 150, Wis. Adm. Code. However, based on the comments received, the Department may prepare an environmental analysis before proceeding with the proposal. This environmental review document would summarize the Department’s consideration of the impacts of the proposal and reasonable alternatives.

Hearing Information

May 31, 2000	Circuit Courtroom
Wednesday	Sawyer County Courthouse
at 6:00 p.m.	10610 Main Street
	Hayward

Notice is hereby further given that pursuant to the Americans with Disabilities Act, reasonable accommodations, including the provision of informational material in an alternative format, will be provided for qualified individuals with disabilities upon request. Please call Tim Simonson at (608) 266–5222 with specific information on your request at least 10 days before the date of the scheduled hearing.

Written Comments and Contact Information

Written comments on the proposed rule may be submitted to Mr. Tim Simonson, Bureau of Fisheries Management and Habitat Protection, P.O. Box 7921, Madison, WI 53707 no later than **June 5, 2000**. Written comments will have the same weight and effect as oral statements presented at the hearing. A copy of the proposed rule and fiscal estimate may be obtained from Mr. Simonson.

Fiscal Estimate

There is no fiscal effect.

Notice of Hearing

Natural Resources

(Fish, Game, etc., Chs. NR 1 –)

[CR 00–74]

Notice is hereby given that pursuant to ss. 77.06(2), 77.91(1) and 227.11(2)(a), Stats., interpreting ss. 77.06(2) and 77.91(1), Stats., the Department of Natural Resources will hold a public hearing on revisions to ch. NR 46, Wis. Adm. Code, relating to administration of the Forest Crop Law and the Managed Forest Law. The proposed rules will:

1. Clarify a new department policy of requiring a new petition for designation when an ownership change has taken place for lands being processed for entry. Lands still under the original ownership will continue to be processed for entry. If the application deadline has passed, a new application will be processed for the following year.
2. Require requests to transfer, withdraw or change the open/closed status on Managed Forest Law land for the succeeding year to be filed with the Department by December 1. Requests received after the deadline will not be processed for the next succeeding year and will be considered in the next application cycle. Under the Forest Crop Law, an October 1 deadline is being requested due to an earlier statutory date and the process that must be followed.
3. Revise the annual stumpage values used to calculate severance and yield taxes due on timber cut during the period from November 1, 2000 through October 31, 2001. The average price change for sawtimber is a 1.17% increase over current rates. The pulpwood proposed prices are, on the average, 3.86% higher compared to current prices.

Initial Regulatory Flexibility Analysis

Notice is hereby further given that pursuant to s. 227.114, Stats., the proposed rule may be an impact on small businesses. The initial regulatory flexibility analysis is as follows:

- a. Types of small businesses affected: Small private forest landowners and forest industries enrolled under the Forest Crop Law and the Managed Forest Law.
- b. Description of reporting and bookkeeping procedures required: No new procedures
- c. Description of professional skills required: No new skills.

Environmental Assessment

Notice is hereby further given that the Department has made a preliminary determination that this action does not involve significant adverse environmental effects and does not need an environmental analysis under ch. NR 150, Wis. Adm. Code. However, based on the comments received, the Department may prepare an environmental analysis before proceeding with the proposal. This environmental review document would summarize the Department's consideration of the impacts of the proposal and reasonable alternatives.

Hearing Information

May 11, 2000
Thursday
at 11:00 a.m.

Council Chambers
Wausau City Hall
407 Grant Street
Wausau

Notice is hereby further given that pursuant to the Americans with Disabilities Act, reasonable accommodations, including the provision of informational material in an alternative format, will be provided for qualified individuals with disabilities upon request. Please call Ken Hujanen at (608) 266-3545 with specific information on your request at least 10 days before the date of the scheduled hearing.

Written Comments and Contact Information

Written comments on the proposed rule may be submitted to Mr. Ken Hujanen, Bureau of Forestry, P.O. Box 7921, Madison, WI 53707 no later than **May 15, 2000**. Written comments will have the same weight and effect as oral statements presented at the hearing. A copy of the proposed rule and fiscal estimate may be obtained from Mr. Hujanen.

Fiscal Estimate

The proposed 2001 stumpage rate schedule includes an average 1.17% increase in sawtimber prices and a 3.86% average net change in cordwood prices. The severance and yield tax collections in CY'99 was \$1,257,842. Of this, about 20% of the gross revenue is from sawtimber harvests. Eighty percent of the revenue was related to cordwood harvests. As a result, a 1.17% increase in sawtimber prices will produce an increase in gross revenue of about \$2,943. A 3.86% increase in cordwood values will generate about \$38,842 in additional revenue. The gross receipts are shared, the towns receiving roughly 50% and the state 50% of the revenue.

The other aspects of the rule change, the requirement for new applications when ownership changes take place, and the establishment of deadlines for submission of transfers, open/closed changes and withdrawals has no fiscal effect on state or local costs or revenues that can be directly estimated.

The net fiscal effect of the rule change will be about a \$20,893 increase in state revenue and a \$20,893 increase in local revenue.

Notice of Hearings

Natural Resources

*(Environmental Protection –
General, Chs. NR 100–)*

[CR 00–76]

Notice is hereby given pursuant to ss. 227.11(2)(a) and 281.68, Stats., interpreting s. 281.68, Stats., the Department of Natural Resources will hold public hearings on the repeal and recreation of ch. NR 190, Wis. Adm. Code, relating to lake planning grants. The main component of the proposed rule is the creation of two subcategories of grants to address the varying size and complexity of the state's lakes and the corresponding planning project needs. A subcategory of small-scale projects is proposed with a per project grant maximum of \$3,000. These grants will be used to obtain and disseminate basic lake information and develop management goals for smaller lakes and lakes in relatively good condition where a detailed plan is unwarranted. Schools will be allowed to co-sponsor small-scale grants with lake organizations.

The second subcategory of large-scale projects will retain many of the features of the current program with an emphasis on developing more detailed lake management plans for larger lakes or lakes where the management challenges are more complex and technical. Separate priorities are proposed for each subcategory so that small-scale projects do not compete against large-scale projects for funding. In addition, several housekeeping items have been included to clarify policy and streamline the code.

Initial Regulatory Flexibility Analysis

Notice is hereby further given that pursuant to s. 227.114, Stats., it is not anticipated that the proposed rule will have an economic impact on small businesses.

Environmental Assessment

Notice is hereby further given that the Department has made a preliminary determination that this action does not involve significant adverse environmental effects and does not need an environmental analysis under ch. NR 150, Wis. Adm. Code. However, based on the comments received, the Department may prepare an environmental analysis before proceeding with the proposal. This environmental review document would summarize the Department's consideration of the impacts of the proposal and reasonable alternatives.

Hearing Information

May 18, 2000 Thursday at 1:30 p.m.	Room 137 DOT Building 141 NW Barstow Street Waukesha
May 23, 2000 Tuesday at 3:30 p.m.	Basement Conference Room DNR Headquarters 810 W. Maple Spooner
May 24, 2000 Wednesday at 2:30 p.m.	Conference Room 1 DNR Headquarters 107 Sutliff Avenue Rhinelander

Notice is hereby further given that pursuant to the Americans with Disabilities Act, reasonable accommodations, including the provision of informational material in an alternative format, will be provided for qualified individuals with disabilities upon request. Please call Carroll Schaal at (608) 261-6423 with specific information on your request at least 10 days before the date of the scheduled hearing.

Written Comments and Contact Information

Written comments on the proposed rule may be submitted to Mr. Carroll Schaal, Bureau of Fisheries Management and Habitat Protection, P.O. Box 7921, Madison, WI 53707 no later than **June 2, 2000**. Written comments will have the same weight and effect as oral statements presented at the hearing. A copy of the proposed rule and fiscal estimate may be obtained from Mr. Schaal.

Fiscal Estimate

There is no fiscal effect.

Notice of Hearing

Revenue

[*\[CR 00-78\]*](#)

Notice is hereby given that, pursuant to ss. 227.11(2)(a) and 565.10(14)(b)3m., Stats., and interpreting ss. 565.02(4)(g) and 565.10(14)(b)3m., Stats., the Department of Revenue will hold a public hearing at the time and place indicated below to consider both the emergency rule and the proposed permanent rule order revising ch. WGC 61, relating to the Wisconsin Lottery's retailer performance program.

Hearing Information

The hearing will be at **11:00 am on Wednesday May 31st, 2000**, and will be held at the **Wisconsin Lottery Milwaukee Facility located at 4353 North Richardson Street, Milwaukee, Wisconsin**.

Handicap access is available at the main front entrance of the building.

Comments on the Rule

Interested persons are invited to appear at the hearing and may make an oral presentation. It is requested that written comments reflecting the oral presentation be given to the department at the hearing. Written comments may also be submitted to the contact person shown below no later than **Wednesday, June 7th, 2000**, which is no less than 7 days after the hearing date. Written comments will be given the same consideration as testimony presented at the hearing.

Contact Person

James Amberson
Department of Revenue
1802 W. Beltline Highway
P.O. Box 8941
Madison, WI 53708-8941
Telephone (608) 267-4840

Analysis by the Department of Revenue

Statutory authority: ss. 227.11(2)(a) and 565.10(14)(b)3m.

Statutes interpreted: ss. 565.02(4)(g) and 565.10(14)(b)3m., Stats., as created by 1999 Wis. Act 9.

SECTION 1. WGC 61.02(5), (6) and (7) are renumbered WGC 61.02(6), (7) and (9), consistent with Legislative Council Rules Clearinghouse standards to insert, in alphabetical order, the definitions in Section 2.

SECTION 2. WGC 61.02(5) and (8) are created, to provide additional definitions relating to the Wisconsin lottery.

SECTIONS 3, 4 AND 5. WGC 61.04(1)(d) and 61.08(11)(c) and (21)(c) are amended and WGC 61.085 is created, to address the implementation and maintenance of the retailer performance program, or "RPP." The RPP was implemented effective January 1, 2000.

Text of Rule

SECTION 1. WGC 61.02(5), (6) and (7) are renumbered WGC 61.02(6), (7) and (9).

SECTION 2. WGC 61.02(5) and (8) are created to read:

WGC 61.02(5) "Retailer performance program" or "RPP" means a program that is designed to provide additional compensation, above the compensation provided under s. 565.10(14)(b)1. or 2., Stats., to retailers who meet certain performance goals identified by the Wisconsin lottery.

(8) "Winning lottery ticket" or "winning lottery share" means either of the following:

(a) For instant scratch tickets under s.565.01(6m)(a)1.,Stats., the terms mean any ticket that has been validated by the Wisconsin lottery as a ticket that entitles a player to a prize.

(b) For on-line tickets under s.565.01(6m)(a)2., Stats., the terms mean any ticket that has been identified by a secure method by the Wisconsin lottery as a ticket that entitles a player to a prize.

SECTION 3. WGC 61.04(1)(d) is amended to read:

WGC 61.04(1)(d) The applicant is expected to sell a minimum of ~~500 tickets a month~~ \$400 worth of instant scratch tickets each month, under s.~~565.01(6m)(a)1., Stats., which shall be represented in any retailer contract or addenda. The executive director or executive administrator may deny a contract to an applicant whose anticipated monthly sales will not meet a minimum of 500 tickets~~\$400 worth of instant scratch tickets each month or whose historical monthly sales are less than ~~500 tickets~~ \$500 ~~worth of instant scratch tickets each month.~~

SECTION 4. WGC 61.08(11)(c) and (21)(c) are amended to read:

WGC 61.08(11)(c) The retailer shall sell at least ~~500 tickets a month~~ \$400 worth of instant scratch tickets each month, under WGC 61.04(1)(d).

(21)(c) The retailer failed to sell a monthly minimum of ~~500 lottery tickets~~ \$400 worth of instant scratch tickets each month, under WGC 61.04(1)(d);

SECTION 5. WGC 61.085 is created to read:

WGC 61.085 Retailer performance program. (1) PURPOSE. The retailer performance program or "RPP" is intended to provide additional compensation, above the compensation provided under s. 565.10(14)(b)1. or 2., Stats., to retailers who meet certain performance goals identified by the department. This additional compensation is authorized under ss. 565.02(4)(g) and 565.10(14)(b)3m., Stats.

(a) This program is applicable to lottery retailer sales transactions beginning on January 1st, 2000.

(2) DEFINITIONS. In this section:

(a) "Appropriate quarterly sales history" means the historical sales data that is used to calculate performance of a retail location within the RPP. The appropriate quarterly sales history data may be from either the comparable history quarter as defined under par. (b) or the immediately previous quarter as defined under par. (d).

(b) "Comparable history quarter" means the full sales quarter that is one year prior to the current sales quarter in which the RPP is being administered.

(c) "Gross sales" means the sales data as indicated by Wisconsin lottery accounts receivable documentation of weekly invoicing of the purchase of Wisconsin lottery products by retailers.

(d) "Immediately previous quarter" means the full sales quarter immediately prior to the current sales quarter in which the RPP is being administered.

(e) "Retail location" means the place of business at which lottery products such as instant tickets or terminal generated tickets are sold, as selected under "WGC 61.04.

(f) "Sales goals incentive" means the component of the RPP that pays incentive to retailers who increase sales in a specified sales quarter or specified fiscal year, or both, when the sales quarter or fiscal year is compared to an appropriate quarterly sales history as defined under par. (a).

(g) "Sales quarter" means a quarter of the Wisconsin lottery fiscal year that is 13 weeks in length. Beginning in fiscal year 2001, the administrator shall determine the start and end dates of all sales quarters of a fiscal year no later than one month prior to the beginning of that fiscal year, and upon request shall provide the calendar dates that define each quarter of a fiscal year. A quarter shall start and end on dates that are consistent with the standard billing cycle that the lottery uses to collect revenue from retailer accounts.

(h) "Short-term incentive" means the component of the RPP that pays incentive to retailers who satisfy a performance expectation as established in short-term incentive features and procedures documentation. Short-term incentives shall have features and procedures documentation as indicated under sub. (4)(c). Short-term incentives shall be designed to support a certain product or product type or to strengthen sales during certain times of the fiscal year.

(i) "Winning ticket incentive" means the component of the RPP that pays an incentive to retailers who sell winning lottery tickets.

(3) ELIGIBILITY. Any retailer may participate in the RPP provided it meets all of the following eligibility requirements:

- (a) The retailer shall honor the current retailer contract, including any applicable addenda, and shall sell a minimum amount of instant tickets as indicated under WGC61.08(11)(c).
 - (b) The retailer may not be a not-for-profit or nonprofit organization as defined in s. 565.10(14)(a), Stats.
 - (c) The retailer shall satisfy any qualifying requirements specific to each component of the RPP. If a retailer fails to satisfy the requirements specific to a component of the RPP, the retailer may not be considered qualified for that component of the RPP. A retailer shall qualify for each component separately, and qualifying for one component of the RPP may not affect qualifying for another component.
 - (4) DESIGN. The retailer performance program shall consist of 3 components, the winning ticket incentive, the sales goals incentive, and the short-term incentive described as follows:
 - (a) *Winning ticket incentive.* The expected performance of the winning ticket incentive component of the RPP is the selling of winning lottery tickets. To qualify for the winning ticket incentive, a retailer shall satisfy the eligibility requirements as stated in sub. (3). An incentive shall be paid to a retailer for selling any winning lottery ticket where the stated prize value of the winning lottery ticket is \$600 or greater. The incentive shall be paid as follows:
 1. For winning lottery tickets, 2% of the stated prize value shall be paid on each prize, up to a maximum of \$100,000 per winning lottery ticket.
 2. For lottery television program tickets, \$30 shall be paid on each winning lottery ticket.
 - (b) *Sales goals incentive.* The sales goals incentive component of the RPP shall pay a retailer an incentive based on an increase in the amount of sales over the appropriate quarterly sales history as defined under sub. (2)(a) or the appropriate fiscal year in the case of jackpot terminal-generated games under subd. 3. The incentive shall be tracked, measured and paid based on one of 3 product types. For each product type, a retailer shall satisfy eligibility requirements as stated in sub. (3) and qualify for the product type under sub. (5). For the three product types, instant ticket sales, non-jackpot terminal-generated sales and jackpot terminal-generated sales, the retailer shall receive incentives calculated as follows:
 1. For the instant ticket sales product type, the retailer shall receive an incentive calculated by comparing a sales quarter against the appropriate quarterly sales history as defined under sub. (2)(a) to determine if a sales increase has occurred. If a sales increase has not occurred, no incentive may be paid. If a sales increase has occurred, the retailer shall receive up to 10% of the sales increase. The administrator may adjust the payment percentage to a lower percentage under sub. (7) to ensure that appropriate funding authority is maintained within the current fiscal year. Any adjustment made shall consider historical sales and incentive information and shall be applied equally to all retailers. Information regarding the details of any adjustment shall be made available upon request.
 2. For the non-jackpot terminal-generated sales product type, the retailer shall receive an incentive calculated by comparing a sales quarter against the appropriate quarterly sales history as defined under sub. (2)(a) to determine if a sales increase has occurred. If a sales increase has not occurred, no incentive may be paid. If a sales increase has occurred, the retailer shall receive up to 10% of the sales increase. The administrator may adjust the payment percentage to a lower percentage under sub. (7) to ensure that appropriate funding authority is maintained within the current fiscal year. Any adjustment made shall consider historical sales and incentive information and shall be applied equally to all retailers. Information regarding the details of any adjustment shall be made available upon request.
 3. For the jackpot terminal-generated sales product type, the retailer shall receive an incentive calculated by comparing a fiscal year against the previous fiscal year to determine if a sales increase has occurred. If a sales increase has not occurred, no incentive may be paid. If a sales increase has occurred, the retailer shall receive up to 10% of the sales increase. The administrator may adjust the payment percentage under sub. (7) to ensure that appropriate funding authority is maintained within the current fiscal year. Any adjustment made shall consider historical sales and incentive information and shall be applied equally to all retailers. Information regarding the details of any adjustment shall be made available upon request.
- Note:** For the fiscal year which ends on June 30th, 2000, "fiscal year 2000," the Wisconsin lottery shall use the appropriate historical data from the fiscal year which ended on June 30th, 1999, "fiscal year 1999," to determine a one-half fiscal year goal for the jackpot terminal-generated game product type under subd. 3.
- (c) *Short term incentive.* The short-term incentive is defined under sub. (2)(h) and shall pay a retailer an incentive based on the achievement of expected performance. Performance expectations shall be related to the increasing of sales of lottery products and may be different for each short-term incentive offered to retailers. The administrator may not offer more than 4 short-term incentives in one fiscal year. A short-term incentive may not continue from one fiscal year into another fiscal year. The administrator shall determine whether short-term incentives are offered. The expected performance, and all other information important to the development of a specific short-term incentive, shall be indicated in a document that shall represent the features and procedures of the short-term campaign. The features and procedures document shall be published to the retailers no later than 21 calendar days prior to the start date of the incentive and shall include the following:
 1. A statement of the requirements for a retailer to qualify for the program. The requirements for qualification for short-term incentives shall be as consistent as possible with other aspects of the RPP.
 2. A statement of the expected performance of a retailer who participates in the short-term incentive.
 3. A statement of the start and end dates of the program and the expected time period that the plan will run, not to exceed 13 weeks.
 4. A statement of how much funding may be made available for payment under the plan, not to exceed \$100,000 per short-term incentive.
 5. A detailed explanation of how the incentive is calculated, to be consistent with other aspects of the RPP where appropriate.
 6. A detailed explanation of how incentive payment will be made, where payment shall be made no later than the last Thursday of the month following the last day of the sales quarter in which the short-term incentive ends.
 7. Any other features or procedures determined by the administrator to be appropriate.
- (5) QUALIFICATION FOR PRODUCT TYPES. (a) To qualify for the jackpot terminal-generated sales product type, a retail location shall have no less than 52 weeks of sales history in the previous fiscal year.
- (b) To qualify for instant ticket sales or non-jackpot terminal-generated sales product type, a retail location shall meet the qualification criteria for that product type. Each product type shall be reviewed separately to determine if an appropriate quarterly sales history as defined under sub. (2)(a) is available to satisfy the criteria. The criteria are as follows:
1. For a retail location, if there is appropriate quarterly sales history as defined under sub. (2)(a), which is based on comparable history quarter sales data as defined under sub. (2)(b), the retailer shall be considered qualified for that product type.
 2. If no comparable history quarter as defined under sub. (2)(b) exists for a retail location, the administrator shall substitute sales history from the immediately previous quarter as defined under sub. (2)(d).

3. If no appropriate quarterly sales history as defined under sub. (2)(a) can be determined, either by using data from a comparable history quarter or from an immediately previous quarter, the retail location may not be considered qualified for the program. The administrator shall review qualification under each product type no less often than quarterly so that retail locations that become qualified may be included for incentive payments as soon as possible.

(6) **PAYMENT OF INCENTIVES.** The RPP incentives shall be paid in the following manner:

(a) The winning ticket incentive shall be paid no later than the last Thursday of the month following the last day of the quarter in which the incentive is earned. This incentive may be paid more frequently if the administrator determines that a more frequent schedule is not prohibitive to the effective operation of Wisconsin lottery activities and does not have a negative impact upon the appropriate funding authority of the program.

(b) The sales goals incentive shall be paid no later than the last Thursday of the month following the last day of the quarter in which the incentive is earned, except for the jackpot terminal-generated games which shall be paid no later than the last Thursday of the month following the last day of the fiscal year in which the incentive is earned. The sales goals incentive may be paid more frequently if the administrator determines that a more frequent schedule is not prohibitive to the effective operation of Wisconsin lottery activities and does not have a negative impact upon the appropriate funding authority of the program.

(c) The short-term incentive shall be paid no later than the last Thursday of the month following the last day of the quarter in which the incentive is earned. This incentive may be paid more frequently if the administrator determines that a more frequent schedule is not prohibitive to the effective operation of Wisconsin lottery activities and does not have a negative impact upon the appropriate funding authority of the program.

(7) **FUNDING AUTHORITY.** The administrator shall monitor the expenditures of the RPP no less often than quarterly, to ensure that the funding authority is not exceeded. Prior to the payment of incentives under sub. (4)(b), the administrator may implement a pre-payment adjustment to ensure that funding authority for the RPP is not exceeded, by reducing the payment of incentives earned from an unexpectedly large jackpot or from an unexpectedly large increase in instant ticket or non-jackpot ticket sales. Any pre-payment adjustment in any product type shall be implemented as indicated under sub. (4)(b), to limit the incentive paid so that the payments do not exceed the funding available or negatively impact the payment of earned incentives in the other components of the RPP.

(8) **RIGHT TO APPEAL.** In the event the administrator terminates the eligibility or qualification of a retailer under RPP, or in the event the retailer disputes their payments from the RPP, the retailer is entitled to an appeal in accordance with the provisions set forth under WGC61.10.

(9) **REPORT.** The administrator shall document the total payments made to retailers under the RPP as defined under WGC61.02(5). The report shall include a breakdown of any incentives paid under the winning ticket incentive, the sales goals incentive and the short-term incentive. The report shall be available within 90 days of the completion of a fiscal year.

Note: Section WGC61.085 interprets ss. 565.02(4)(g) and 565.10(14)(b)3m., Stats.

Initial Regulatory Flexibility Analysis

This proposed order does not have a significant economic impact on a substantial number of small businesses.

Fiscal Estimate

It is expected that the Retailer Performance will increase lottery sales revenue; however, retailer compensation costs will likely increase as well. It is expected that every \$1 of additional revenue generated by the incentive program will result in a \$0.25 expense for retailer compensation related to the incentive program and other administrative expenses. However, sufficient data on the outcome of retailer performance programs in Wisconsin and other states does not exist. Thus, the net increase in lottery revenue based upon the potential increase in sales revenue and the corresponding rise in retailer compensation costs is unknown.

Notice of Hearing

Transportation

[CR 00-77]

Notice is hereby given that pursuant to ss. 85.16(1) and 348.07(4), Stats., interpreting s. 348.07(4), Stats., the Department of Transportation will hold a public hearing at the following location to consider the amendment of ch. Trans 276, Wis. Adm. Code, relating to allowing the operation of double bottoms and certain other vehicles on certain specified highways:

Hearing Information

May 19, 2000
Friday
1:00 PM

Gleason Town Hall
(Located behind the Town of
Russell Fire Dept. Bldg.)
N5369 Highway 17
Gleason, WI

(Parking is available for persons with disabilities)

The public record on this proposed rule making will be held open until close of business on the date of the hearing to permit the submission of written comments from persons unable to attend the public hearing or who wish to supplement testimony offered at the hearing. Any such written comments should be submitted to Ashwani K. Sharma, Traffic Operations Engineer, Bureau of Highway Operations, Room 501, P. O. Box 7986, Madison, Wisconsin, 53707-7986.

Analysis prepared by the Wisconsin Department of Transportation

STATUTORY AUTHORITY: ss. 85.16(1) and 348.07(4)
STATUTE INTERPRETED: s. 348.07(4)

General Summary of Proposed Rule. This proposed rule amends s. Trans 276.07(4), Wis. Adm. Code, to add one segment of highway to the designated highway system established under s. 348.07(4), Stats. The actual highway segment that this proposed rule adds to the designated highway system is:

Hwy.	From	To
STH 17	STH 64 in Merrill	USH 8 in Rhinelander

Note: The proposed rule text often achieves these objectives by consolidating individual segments with new end points. In order to determine the actual highway segment added, it is necessary to compare the combined old designations with the combined new designation.

The long trucks to which this proposed rule applies are those with 53-foot semitrailers, double bottoms and the vehicles which may legally operate on the federal National Network, but which exceed Wisconsin's regular limits on overall length. Generally, no person may operate any of the following vehicles on Wisconsin's highways without a permit: A single vehicle with an overall length in excess of 40 feet, a combination of vehicles with an overall length in excess of 65 feet, a semitrailer longer than 48 feet, an automobile haulaway longer than 66 feet plus allowed overhangs, or a double bottom. Certain exceptions are provided under s. 348.07(2), Stats., which implements provisions of the federal Surface Transportation Assistance Act in Wisconsin.

Note: 45-foot buses are allowed on the National Network and Interstate system by Federal law. Section 4006 (b) of the Intermodal Surface Transportation Efficiency Act of 1991.

The effect of this proposed rule will be to extend the provisions of ss. 348.07(2)(f), (fm), (gm) and (gr), and 348.08(1)(e), Stats., to the highway segments listed above. As a result, vehicles which may legally operate on the federal National Network in Wisconsin will also be allowed to operate on the newly-designated highways. Specifically, this means there will be no overall length limitation for a tractor-semitrailer combination, a double bottom or an automobile haulaway on the affected highway segments. There also will be no length limitation for a truck tractor or road tractor when operated in a tractor-semitrailer combination or as part of a double bottom or an automobile haulaway. Double bottoms will be allowed to operate on the affected highway segments provided neither trailer is longer than 28 feet, 6 inches. Semitrailers up to 53 feet long may also be operated on these highway segments provided the kingpin to rear axle distance does not exceed 43 feet. This distance is measured from the kingpin to the center of the rear axle or, if the semitrailer has a tandem axle, to a point midway between the first and last axles of the tandem. Otherwise, semitrailers, including semitrailers which are part of an automobile haulaway, are limited to 48 feet in length.

These vehicles and combinations are also allowed to operate on undesignated highways for a distance of 5 miles or less from the designated highway in order to reach fuel, food, maintenance, repair, rest, staging, terminal or vehicle assembly or points of loading or unloading.

Fiscal Estimate

The Department estimates that there will be no fiscal impact on the liabilities or revenues of any county, city, village, town, school district, technical college district or sewerage district.

Initial Regulatory Flexibility Analysis

The provisions of this proposed rule adding highway segments to the designated system have no direct adverse effect on small businesses, and may have a favorable effect on those small businesses which are shippers or carriers using the newly-designated routes.

Copies of Rules and Contact Person

Copies of this proposed rule are available without cost upon request to the office of the State Traffic Engineer, P. O. Box 7986, Room 501, Madison, Wisconsin, 53707-7986, telephone (608) 266-1273. For questions about this rule making, please call Ashwani Sharma, Traffic Operations Engineer at (608) 266-1273. Alternate formats of the proposed rule will be provided to individuals at their request.

Notice of Hearing
Transportation
[CR 00-72]

Notice is hereby given that pursuant to ss. 110.07, 110.075, 194.38, 194.43 and 227.11, Stats., and interpreting ss. 110.07 and 110.075, and ch. 194, Stats., the Department of Transportation will hold a public hearing in Room 551 of the Hill Farms State Transportation Building, 4802 Sheboygan Avenue, Madison, Wisconsin on the 11th day of May, 2000, at 10:00 AM, to consider the amendment of ch. Trans 327, Wis. Adm. Code, relating to motor carrier safety requirements.

An interpreter for the hearing impaired will be available on request for this hearing. Please make reservations for a hearing interpreter at least 10 days prior to the hearing.

The public record on this proposed rule making will be held open until close of business the day of the hearing, to permit the submission of written comments from persons unable to attend the public hearing or who wish to supplement testimony offered at the hearing. Any such comments should be submitted to Lyle Walheim, Department of Transportation, Division of State Patrol, Room 551, P. O. Box 7912, Madison, WI 53707-7912.

Parking for persons with disabilities and an accessible entrance are available on the north and south sides of the Hill Farms State Transportation Building.

Analysis Prepared by the Wisconsin Department of Transportation

STATUTORY AUTHORITY: ss. 110.07, 110.075, 194.38, 194.43 and 227.11

STATUTES INTERPRETED: ss. 110.07 and 110.075, and ch. 194

General Summary of Proposed Rule. This rule making will amend ch. Trans 327, relating to intrastate motor carrier safety regulations, to bring it into compliance with the most recent changes to the Federal Motor Carrier Safety Regulations which go into effect on October 1, 2000. Amendment of this rule will assure State Patrol inspectors and troopers are enforcing the most recent Federal Motor Carrier Safety regulations for intrastate carriers. The update of this rule will also keep the Department in compliance to qualify for continued Motor Carrier Safety Assistance Program (MCSAP) funding.

The Department annually updates ch. Trans 327 to keep current with the most recent changes to 49 CFR parts 390, 391, 392, 393, 396 and 397 which contains exceptions and hours-of-service requirements currently found in this chapter.

Fiscal Estimate

The Department estimates that there will be no fiscal impact on the liabilities or revenues of any county, city, village, town, school district, vocational, technical and adult education district or sewerage district. The Department estimates that there will be no fiscal impact on state revenues or liabilities.

Initial Regulatory Flexibility Analysis

This proposed rule will have no adverse impact on small businesses.

Copies of Proposed Rule

Copies of the proposed rule may be obtained upon request, without cost, by writing to Lyle Waltham, Division of State Patrol, P. O. Box 7912, Room 551, Madison, WI 53707-7912, or by calling (608) 264-9963. Alternate formats of the proposed rule will be provided to individuals at their request.

Notice of Hearing
Workforce Development
(Economic Support,
Chs. DWD II to 59)

Notice is hereby given that pursuant to ss. 49.145(1), 227.11 and 227.24, Stats., the Department of Workforce Development proposes to hold a public hearing to consider the creation of the emergency rule s. DWD 12.28, relating to Wisconsin works disregard of year 2000 census income.

Hearing Information

May 15, 2000	Madison
Monday	GEF #1 Bldg.,
10:00 a.m.	Room 400X
	201 E. Washington Ave.

Interested persons are invited to appear at the hearing and will be afforded the opportunity to make an oral presentation of their positions. Persons making oral presentations are requested to submit their facts, views, and suggested rewording in writing.

An accessible entrance to the building is available via a ramp from the corner of Washington Avenue and Webster Street to the Butler Street entrance. If you have special needs or circumstances that may make communication or accessibility difficult at the hearing, please call (608) 267-9403 at least 10 days prior to the hearing date. Accommodations such as ASL interpreters, English translators, or materials in audiotape format will be made available on request to the fullest extent possible.

Analysis Prepared by the Department of Workforce Development

Statutory authority: ss. 49.145(1) and 227.11

Statute interpreted: s. 49.145(1)

The rule excludes income earned from temporary employment with the U.S. Census Bureau in determining W-2 and child care eligibility and child care copayments. Hours of employment with the Census Bureau will be treated the same as other unsubsidized employment in determining hours required for a pro-rata W-2 community service job. Individuals who are working for the Census Bureau full-time will receive case management services.

The federal Administration for Children and Families (ACF) in the Department of Health and Human Services has encouraged states to exempt the temporary income earned by individuals who work on the 2000 Census from eligibility determinations for programs funded by Temporary Assistance to Needy Families (TANF).

Information from ACF stated that “the [Census] Bureau has found that the most effective workers are those recruited from and working in their own neighborhoods.” In addition, the Census Bureau web site located at the following web address (<http://www.census.gov/jobs2000/www/fags.html>) contains the following information regarding their efforts to recruit temporary workers:

- “The Census Bureau is working with individual states to encourage recipients of Temporary Assistance for Needy Families (TANF) to apply for census positions; states could decide to let TANF recipients hold temporary census jobs without losing their benefits.”
 - “Historically, the Bureau has always endeavored to hire individuals from the communities in which they live. As a result, the Bureau has always reached out to low income populations, including welfare recipients. While there are no special hiring preferences for welfare recipients, the Bureau works closely with state and local governments as well as community based organizations to actively recruit welfare recipients.”
 - “The Department of Housing and Urban Development (HUD) has exempted temporary Census 2000 income from the determination of eligibility for subsidized housing residents and Section 8 tenants.”
- When the Census employment ends, the W–2 agency will be encouraged to work with the participant to find new unsubsidized employment. If appropriate, however, the W–2 agency could place the individual in a subsidized employment position.

Text of Rule

SECTION 1. DWD 12.28 is created to read:

DWD 12.28. Disregard of Year 2000 Census Income. Income earned from temporary employment with the United States Census Bureau shall not be included in determining financial eligibility for Wisconsin works under s. DWD 12.09(3)(b), a child care subsidy under s. DWD 12.26, or the amount of a child care copayment under s. DWD 56.08.

SECTION 2. EFFECTIVE DATE. This rule shall take effect upon publication as provided in s. 227.24(1)(d), Stats.

Initial Regulatory Flexibility Analysis

Privately-run W–2 agencies will be affected by the rule change, but the rule will not have a significant economic impact because there is no material change from current procedures.

Fiscal Impact

Employment with the Census Bureau is short-term and the employment is generally part-time. There is a potential for an increase in child care costs, although an exact estimate is difficult to obtain. There is also the potential that the state could experience decreased cash benefit costs for families taking advantage of this policy while working for the Census.

Written Comments

Written comments on the proposed rules received at the address below no later than **May 19, 2000**, will be given the same consideration as testimony presented at the hearing.

Elaine Pridgen
Office of Legal Counsel
Dept. of Workforce Development
P.O. Box 7946
Madison, WI 53707–7946
(608) 267–9403

NOTICE OF SUBMISSION OF PROPOSED RULES TO THE PRESIDING OFFICER OF EACH HOUSE OF THE LEGISLATURE,
UNDER S. 227.19, STATS.

Please check the Bulletin of Proceedings for further information on a particular rule.

Commerce (CR 99-143):

Chs. Comm 2, 3, 20, 50 to 64, 66, 70, 75 and 90 – Relating to one- and two-family dwellings, commercial buildings and multi-family dwellings.

Commerce (CR 00-9):

Chs. Comm 2 and 5 and ss. Comm 45.07, 82.20, 84.10 and 84.11 to 84.14 – Relating to program revenue fees.

Corrections (CR 97-27):

Ch. DOC 314 – Relating to mental health treatment for inmates.

Employment Relations—Merit Recruitment and Selection (CR 99-167):

SS. ER-MRS 6.08 and 11.04 – Relating to release of examination information and removal of names from employment registers.

Insurance, Commissioner of (CR 00-6):

S. Ins 3.09 (19) – Relating to mortgage guarantee insurance.

Public Instruction (CR 99-169):

Ch. PI 44 – Relating to alternative education grants.

Public Instruction (CR 00-3):

S. PI 6.07 – Relating to public library system aid payment adjustments.

Public Instruction (CR 00-4):

SS. PI 40.055 and 40.056 – Relating to the youth options program.

Public Instruction (CR 00-5):

Ch. PI 35 – Relating to the Milwaukee parental school choice program.

Public Instruction (CR 00-12):

Ch. PI 32 – Relating to grants for alcohol and other drug abuse (AODA) programs.

Public Instruction (CR 00-13):

Ch. PI 10 – Relating to supplemental aid for school districts with a large area.

Public Instruction (CR 00-14):

Ch. PI 24 – Relating to state aid for achievement guarantee contracts and aid for debt service.

Workforce Development (CR 99-164):

Chs. DWD 290 and 294 – Relating to prevailing wage rates.

Workforce Development (CR 99-165):

SS. DWD 12.03, 12.21 and 12.27 – Relating to two-parent families under Wisconsin Works.

Workforce Development ([CR 00-24](#)):

S. DWD 290.155 – Relating to the annual adjustment of thresholds for application of the prevailing wage rates for state or local public works projects.

ADMINISTRATIVE RULES FILED WITH THE REVISOR OF STATUTES BUREAU

The following administrative rules have been filed with the Revisor of Statutes Bureau and are in the process of being published. The date assigned to each rule is the projected effective date. It is possible that the publication of these rules could be delayed. Contact the Revisor of Statutes Bureau at (608) 266-7275 for updated information on the effective dates for the listed rules.

Agriculture, Trade and Consumer Protection
(CR 99-5):

An order affecting chs. ATP 29 and 40, relating to agricultural chemical cleanup surcharge fees.
Effective 06-01-00.

Financial Institutions--Credit Unions (CR 99-145):

An order repealing ch. DFI-CU 52, relating to credit union examinations.
Effective 06-01-00.

Financial Institutions--Credit Unions (CR 99-146):

An order repealing ch. DFI-CU 64, relating to procedures for the public inspection and copying of public records of the Office of Credit Unions.
Effective 06-01-00.

Kickapoo Reserve Management Board (CR 99-124):

An order creating ch. KB 1, relating to the use of the land, water and facilities in the Kickapoo Valley Reserve.
Effective 06-01-00.

Natural Resources (CR 99-22):

An order repealing s. NR 150.03 (8) (a) 1. and ch. NR 170, relating to power plant siting.
Effective 06-01-00.

Natural Resources (CR 99-155):

An order affecting ss. NR 10.01, 10.27 and 10.28, relating to deer hunting in Council Grounds State Park.
Effective 06-01-00.

Veterans Affairs (CR 99-160):

An order repealing and recreating ch. VA 4, relating to the primary mortgage loan program.
Effective 06-01-00.

RULES PUBLISHED IN THIS WIS. ADM. REGISTER

*The following administrative rule orders have been adopted and published in the **April 30, 2000 Wisconsin Administrative Register**. Copies of these rules are sent to subscribers of the complete Wisconsin Administrative Code, and also to the subscribers of the specific affected Code.*

For subscription information, contact Document Sales at (608) 266-3358.

Commerce (CR 98-83):

An order affecting chs. Comm 2, 5, 20, 25, 50, 51, 52, 66, 81 to 85 and 91, relating to private onsite wastewater treatment systems (POWTS) and sanitation systems and devices.

Effective 7-1-00.

Commerce (CR 99-86)

An order affecting chs. Comm 5, 81, 82 & 84, relating to credentials and fire sprinkler systems.

Part effective 4-1-00.

Part effective 8-1-00.

Physical Therapists Affiliated Credentialing Board (CR 99-66)

An order affecting chs. PT 1-5, relating to the definition of physical therapy aide, the tests of English, written English and spoken English, general supervision of physical therapists assistants, and direct supervision of physical therapists assistants and physical therapy aides.

Effective 5-1-00.

Public Instruction (CR 99-30)

An order creating ch. PI 34, relating to teacher education program approval and licenses.

Part effective 5-1-00.

Part effective 7-1-00.

Part effective 7-1-04.

Public Service Commission (CR 99-19)

An order affecting ch. PSC 160, relating to the provision of universal telecommunications service and administration of the universal service fund.

Effective 5-1-00.

Revenue (CR 99-105)

An order affecting s. Tax 11.67, relating to service enterprises.

Effective 5-1-00.

Revenue (CR 99-134)

An order creating s. Tax 11.96, relating to delivery of an ordinance to adopt or repeal a county or premier resort area tax.

Effective 5-1-00.

SECTIONS AFFECTED BY RULE REVISIONS AND CORRECTIONS

The following administrative rule revisions and corrections have taken place in April 2000, and will be effective as indicated in the history note for each particular section. For additional information, contact the Revisor of Statutes Bureau at (608) 266-7275.

REVISIONS

Commerce:

(Fee Schedule, Ch. Comm 2)

Ch. Comm 2

- S. Comm 2.52 (5)
- S. Comm 2.61 (3)
- S. Comm 2.63 (entire section)
- S. Comm 2.65 (entire section)
- S. Comm 2.66 (1) (d), (2) (a) and Table 2.66
- S. Comm 2.67 (1) and (2)

(Credentials, Ch. Comm 5)

Ch. Comm 5

- S. Comm 5.002 (entire section)
- S. Comm 5.003 (12), (30m) and (32)
- S. Comm 5.004 (entire section)
- S. Comm 5.01 (entire section)
- S. Comm 5.02 (1) to (3), (5) and Table 5.02
- S. Comm 5.04 (1) and (2) (a)
- S. Comm 5.05 (2)
- S. Comm 5.06 (entire section)
- S. Comm 5.07 (entire section)
- S. Comm 5.08 (1) (d), (e) and (f) and (2) (intro.) and (b) and (3)
- S. Comm 5.09 (1), (2) (intro.), (4), (5), (6) and (7) (b) and (c) and (8) (c)
- S. Comm 5.10 (1) (intro.), (a), (b), (c), (e) and (f), (2) (intro.), (a), (c), (d) and (e)
- S. Comm 5.11 (entire section)
- S. Comm 5.12 (entire section)
- S. Comm 5.20 (1) (a) and (b) and (5)
- S. Comm 5.21 (1) (a) and (2) (b)
- S. Comm 5.30 (1) and (2) (b)
- S. Comm 5.31 (1) and (2) (b)
- S. Comm 5.32 (1) (a) and (2) (b)
- S. Comm 5.33 (1), (5) and (7) (b)
- S. Comm 5.34 (1), (2) (b) and (3) (a)
- S. Comm 5.35 (1), (4) and (5) (a)
- S. Comm 5.36 (entire section)
- S. Comm 5.40 (entire section)
- S. Comm 5.41 (1) (a)
- S. Comm 5.42 (2) (b)
- S. Comm 5.43 (4) and (5) (b)
- S. Comm 5.44 (1) (intro.), (5) (a) and (b) (intro.) and (6) (b)

- S. Comm 5.45 (1) (b)
- S. Comm 5.50 (entire section)
- S. Comm 5.51 (2m), (4), (5) and (6) (c)
- S. Comm 5.52 (1), (5) and (6) (c)
- S. Comm 5.53 (1) and (2) (b)
- S. Comm 5.54 (1) (intro.), (4) and (5) (c)
- S. Comm 5.55 (1) (b) and (2) (b)
- S. Comm 5.56 (1) and (4)
- S. Comm 5.60 (1) (intro.) and (2) (b)
- S. Comm 5.61 (1), (4) and (6) (b) and (c)
- S. Comm 5.62 (1), (3) (c), (5) and (7) (b) and (c)
- S. Comm 5.63 (1) (a) and (b), (4) (a) and (b) and (6) (b) and (c)
- S. Comm 5.64 (1), (2) (intro.), (4) and (6) (c)
- S. Comm 5.66 (1), (4) and (6) (b) and (c)
- S. Comm 5.67 (1), (4) and (6) (b) and (c)
- S. Comm 5.68 (1), (5) and (7) (b)
- S. Comm 5.70 (1) (a) and (b) and (2) (b)
- S. Comm 5.71 (5)
- S. Comm 5.72 (1), (2) (b), (3) and (5) (intro.) and (a)
- S. Comm 5.80 (1) (a) and (2) (b)
- S. Comm 5.81 (1) (a) and (2) (b)
- S. Comm 5.82 (1) (a) and (2) (b)
- S. Comm 5.83 (1) and (4)
- S. Comm 5.84 (1) (a) and (b) and (4)
- S. Comm 5.85 (1) (a) and (b) and (4)
- S. Comm 5.86 (1) (a) and (b) and (4)
- S. Comm 5.87 (1) (a) and (b) and (4)
- S. Comm 5.88 (1) and (2) (b)
- S. Comm 5.90 (1) and (2)
- S. Comm 5.91 (1) (intro.), (5), (6), (7) (b) and (8) (b)
- S. Comm 5.92 (1) (intro.), (5), (6), (7) (b) and (8) (b)
- S. Comm 5.93 (1) (a) and (b) and (5)
- S. Comm 5.94 (1) (a) and (b) and (5)
- S. Comm 5.95 (1) and (2) (b)
- S. Comm 5.96 (1) and (2) (b)
- S. Comm 5.97 (1), (5) and (6)
- S. Comm 5.98 (1) and (2) (b)
- S. Comm 5.99 (1) and (2) (b)

(Uniform Dwelling, Chs. Comm 20-25)

Ch. Comm 20

- S. Comm 20.07 (19m), (40t) and (59t)
- S. Comm 20.09 (5) (b)

Ch. Comm 25

S. Comm 25.02 (entire section)

(Building and Heating, etc., Chs. Comm 50–64)**Ch. Comm 50**

S. Comm 50.06 (3)

Ch. Comm 51S. Comm 51.01 (19m), (71p), (71t), (103d)
and (103g)**Ch. Comm 52**S. Comm 52.60 (1) (a) and (c)
S. Comm 52.61 (entire section)
S. Comm 52.62 (1) (a) and (b)
S. Comm 52.63 (entire section)**(Uniform Multifamily Dwellings, Ch. Comm 66)****Ch. Comm 66**

S. Comm 66.11 (entire section)

(Plumbing, Chs. Comm 81–87)**Ch. Comm 81 (entire chapter)****Ch. Comm 82**S. Comm 82.10 (2), (3), (7), (12) and (14)
S. Comm 82.11 (entire section)
S. Comm 82.30 (11) (g)
S. Comm 82.32 (4) (b)
S. Comm 82.34 (5) (a) and (b)
S. Comm 82.36 (3) (b)
S. Comm 82.37 (entire section)
S. Comm 82.40 (3) (e) and (f) and (8) (b) and (j)**Ch. Comm 83 (entire chapter)****Ch. Comm 84**S. Comm 84.10 (3) and Table 84.10
S. Comm 84.11 (entire section)
S. Comm 84.20 (5) (j) to (r)
S. Comm 84.25 (entire section)
S. Comm 84.30 (2) (d) and (6) (g) to (j) and
Tables 84.30–5, 84.30–9 and
84.30–12
S. Comm 84.50 (3) (g)
S. Comm 84.60 (entire section)**Ch. Comm 85 (entire chapter)****(Sanitation, Ch. Comm 91)****Ch. Comm 91 (entire chapter)****Physical Therapists Affiliated Credentialing Board:****Ch. PT 1**

S. PT 1.02 (5) and (6)

Ch. PT 2

S. PT 2.01 (8)

Ch. PT 3

S. PT 3.01 (5)

Ch. PT 4

S. PT 4.01 (1) (d)

Ch. PT 5

S. PT 5.02 (entire section)

Public Instruction:**Ch. PI 3 (entire chapter)****Ch. PI 4 (entire chapter)****Ch. PI 34 (entire chapter)****Public Service Commission****Ch. PSC 160**S. PSC 160.01 (2) (a) and (5)
S. PSC 160.02 (1), (1g), (1m), (4), (4g), (4m), (7),
(8) (a), (e), (g) and (h) and (9) to (13)
S. PSC 160.03 (2) (a), (c) and (d)
S. PSC 160.031 (3)
S. PSC 160.035 (1) (c) and (3)
S. PSC 160.04 (1)
S. PSC 160.05 (intro.), (1) (c), (d), (i), (k) to (s),
(2) and (5)
S. PSC 160.06 (1), (3), (4) and (5)
S. PSC 160.061 (1) and (6)
S. PSC 160.062 (entire section)
S. PSC 160.063 (entire section)
S. PSC 160.071 (1) (a) to (c), (f) and (j) to (n), (3)
and (6)
S. PSC 160.073 (entire section)
S. PSC 160.075 (3) and (5)
S. PSC 160.08 (entire section)
S. PSC 160.09 (1) to (6), (8) and (9)
S. PSC 160.091 (entire section)
S. PSC 160.10 (5)
S. PSC 160.11 (1m)
S. PSC 160.115 (entire section)
S. PSC 160.125 (entire section)
S. PSC 160.13 (entire section)
S. PSC 160.14 (1), (2) (a), (b), (c) and (d),
(3) to (5) (a), (b) and (d), (6), (7)
and (8)
S. PSC 160.15 (entire section)
S. PSC 160.16 (3) to (6)
S. PSC 160.18 (1), (9) and (10)
S. PSC 160.181 (entire section)
S. PSC 160.19 (4) (a) and (5)**Revenue:****Ch. Tax 11**S. Tax 11.67 (2) (a) and (3) (e), (f), (h) and (j) to (n)
S. Tax 11.96 (entire section)

EDITORIAL CORRECTIONS

Corrections to code sections under the authority of s. 13.93 (2m) (b), Stats., are indicated in the following listing:

Commerce:

(Credentials, Ch. Comm 5)

Ch. Comm 5

- S. Comm 5.10 (2) (a) had a correction made under s. 13.93 (2m) (b) 7., Stats.
- S. Comm 5.30 (3) (b) had a correction made under s. 13.93 (2m) (b) 7., Stats.
- S. Comm 5.60 (1) and (4) (c) had corrections made under s. 13.93 (2m) (b) 7., Stats.
- S. Comm 5.63 (1) (a) and (b) had corrections made under s. 13.93 (2m) (b) 7., Stats.
- S. Comm 5.94 (3) had corrections made under s. 13.93 (2m) (b) 7., Stats.

(Plumbing, Chs. Comm 81–87)

Ch. Comm 86

- S. Comm 86.01 (entire section) had corrections made under s. 13.93 (2m) (b) 7., Stats.
- S. Comm 86.02 (3) had a correction made under s. 13.93 (2m) (b) 7., Stats.

Ch. Comm 87

- S. Comm 87.03 (7) (c) had a correction made under s. 13.93 (2m) (b) 7., Stats.
- S. Comm 87.20 (2) had a correction made under s. 13.93 (2m) (b) 7., Stats.
- S. Comm 87.40 (3) (a) had a correction made under s. 13.93 (2m) (b) #., Stats.

Health and Family Services:

(Community Services, Chs. HFS 30–)

Ch. HFS 34

- S. HFS 34.01 (1) had a correction made under s. 13.93 (2m) (b) 7., Stats.
- S. HFS 34.03 (2) (e) and (14) (a) had corrections made under s. 13.93 (2m) (b) 7., Stats.
- S. HFS 34.04 (1) (b) had a correction made under s. 13.93 (2m) (b) 7., Stats.
- S. HFS 34.21 (3) (b) and (8) (a) had corrections made under s. 13.93 (2m) (b) 7., Stats.
- S. HFS 34.24 (4) had a correction made under s. 13.93 (2m) (b) 7., Stats.

Ch. HFS 94

- S. HFS 94.14 (2) (b) had a correction made under s. 13.93 (2m) (b) 7., Stats.
- S. HFS 94.17 (entire section) had a correction made under s. 13.93 (2m) (b) 7., Stats.
- S. HFS 94.40 (2) (d) had a correction made under s. 13.93 (2m) (b) 7., Stats.
- S. HFS 94.41 (3) (a) had corrections made under s. 13.93 (2m) (b) 7., Stats.

S. HFS 94.42 (4) (a) had a correction made under s. 13.93 (2m) (b) 7., Stats.

S. HFS 94.49 (1) had a correction made under s. 13.93 (2m) (b) 7., Stats.

S. HFS 94.52 (entire section) had a correction made under s. 13.93 (2m) (b) 7., Stats.

(Health, Chs. HFS 110–)

Ch. HFS 134

- S. HFS 134.13 (30) and (39) (d) and (e) had corrections made under s. 13.93 (2m) (b) 7., Stats.
- S. HFS 134.14 (2) (a) and (7) had corrections made under s. 13.93 (2m) (b) 7., Stats.
- S. HFS 134.31 (3) (f) and (q) had corrections made under s. 13.93 (2m) (b) 7., Stats.
- S. HFS 134.47 (3) (d) had a correction made under s. 13.93 (2m) (b) 7., Stats.
- S. HFS 134.51 (1) (c) had a correction made under s. 13.93 (2m) (b) 7., Stats.
- S. HFS 134.812 (1) had corrections made under s. 13.93 (2m) (b) 7., Stats.
- S. HFS 134.83 (8) (c) had a correction made under s. 13.93 (2m) (b) 7., Stats.

Natural Resources:

(Fish, Game, etc., Chs. NR 1–)

Ch. NR 80

- S. NR 80.02 (2), (3) and (8) had corrections made under s. 13.93 (2m) (b) 7., Stats.
- S. NR 80.03 (1), (2) (a), (3), (7) and (10) to (12) had corrections made under s. 13.93 (2m) (b) 6. and 7., Stats.

(Environmental Protection—General, Chs. NR 100–)

Ch. NR 115

- S. NR 115.01 (entire section) had corrections made under s. 13.93 (2m) (b) 7., Stats.
- S. NR 115.03 (2) (a) and (b) had corrections made under s. 13.93 (2m) (b) 7., Stats.
- S. NR 115.05 (2) (a), (b), (d) and (e), (3) (e), (5) (b) and (6) (b) and (j) had corrections made under s. 13.93 (2m) (b) 7., Stats.
- S. NR 115.06 (1), (2) (a) and (c), (3) (a) and (b) and (4) (b) and (c) had corrections made under s. 13.93 (2m) (b) 7., Stats.

(Environmental Protection—Water Regulation, Chs. NR 300–)

Ch. NR 324

- S. NR 324.10 (2) (d) had a correction made under s. 13.93 (2m) (b) 7., Stats.

Ch. NR 325

S. NR 325.11 (1) had a correction made under s. 13.93 (2m) (b) 7., Stats.

(Environmental Protection--Investigation and Remediation, Chs. NR 700--)**Ch. NR 730**

S. NR 730.01 (entire section) had corrections made under s. 13.93 (2m) (b) 7., Stats.

S. NR 730.02 (entire section) had a correction made under s. 13.93 (2m) (b) 7., Stats.

S. NR 730.05 (1) and (2) (a), (c) and (d) had corrections made under s. 13.93 (2m) (b) 7., Stats.

S. NR 730.07 (1) (b) had a correction made under s. 13.93 (2m) (b) 7., Stats.

Ch. NR 732

S. NR 732.01 (entire section) had corrections made under s. 13.93 (2m) (b) 7., Stats.

S. NR 732.02 (entire section) had a correction made under s. 13.93 (2m) (b) 7., Stats.

S. NR 732.03 (2) to (6) had corrections made under s. 13.93 (2m) (b) 7., Stats.

S. NR 732.05 (1) (intro.) and (a) had corrections made under s. 13.93 (2m) (b) 7., Stats.

S. NR 732.09 (entire section) had corrections made under s. 13.93 (2m) (b) 7., Stats.

Ch. NR 734

S. NR 734.01 (entire section) had corrections made under s. 13.93 (2m) (b) 7., Stats.

S. NR 734.02 (entire section) had corrections made under s. 13.93 (2m) (b) 7., Stats.

Ch. NR 736

S. NR 736.01 (entire section) had corrections made under s. 13.93 (2m) (b) 7., Stats.

S. NR 736.02 (entire section) had corrections made under s. 13.93 (2m) (b) 7., Stats.

(Environmental Protection--Water Supply, Chs. NR 800--)**Ch. NR 845**

S. NR 845.03 (entire section) had a correction made under s. 13.93 (2m) (b) 7., Stats.

S. NR 845.04 (13) had a correction made under s. 13.93 (2m) (b) 7., Stats.

S. NR 845.05 (3) (a) had a correction made under s. 13.93 (2m) (b) 7., Stats.

S. NR 845.06 (1) and (3) (a) and (b) had corrections made under s. 13.93 (2m) (b) 6. and 7., Stats.

S. NR 845.07 (1) had corrections made under s. 13.93 (2m) (b) 6. and 7., Stats.

S. NR 845.08 (2) (c) had a correction made under s. 13.93 (2m) (b) 7., Stats.

S. NR 845.09 (2) had a correction made under s. 13.93 (2m) (b) 7., Stats.

S. NR 845.10 (1), (3), (5) and (6) had corrections made under s. 13.93 (2m) (b) 7., Stats.

S. NR 845.11 (2) and (3) had corrections made under s. 13.93 (2m) (b) 7., Stats.

S. NR 845.13 (1) had corrections made under s. 13.93 (2m) (b) 7., Stats.

S. NR 845.16 (2) and (3) had corrections made under s. 13.93 (2m) (b) 7., Stats.

Transportation:**Ch. Trans 106**

S. Trans 106.02 (2) had a correction made under s. 13.93 (2m) (b) 7., Stats.

Ch. Trans 107

S. Trans 107.07 (1) had a correction made under s. 13.93 (2m) (b) 7., Stats.

FINAL REGULATORY FLEXIBILITY ANALYSES

1. Commerce (CR 99–86)

Chs. Comm 5, 82 & 84 – Credentials and fire sprinkler systems.

Summary of Final Regulatory Flexibility Analysis:

The Statutes authorize the Department to administer the issuance of numerous credentials as part of the Department's responsibility for protecting the safety and health of frequenters and occupants in public buildings, places of employment and one- and 2-family dwellings. The proposed revisions in the credential rules are minimum requirements to meet the directives of the Statutes, and any less stringent requirements would be contrary to the Statutory objectives which are the basis for the rules.

Summary of Comments of Legislative Standing Committees:

The rules were reviewed by the Assembly Committee on Labor and Employment and the Senate Committee on Economic Development, Housing and Government Operations. No comments were received.

2. Commerce (CR 98–83)

Chs. Comm 83, 85 & 91 – Private onsite wastewater treatment systems.

Summary of Final Regulatory Flexibility Analysis:

Under ss. 145.02 and 145.13, Stats., the department is empowered to establish statewide uniform plumbing standards for the purpose of protecting public health and the waters of the state. Exempting one segment of the population based upon the size of a business would be in conflict with these statutory objectives.

Comments and issues raised by small businesses relating to the proposed rules were provided in the context and effort to revise the rules for all applications. No public hearing comments were provided in the specific context of either exempting or reducing requirements or enacting different requirements for small businesses. It is surmised that the nature of the rules, public health, displaces focus from a single segment of the population.

Summary of Comments of Legislative Standing Committees:

The rule were reviewed by the Assembly Committee on Natural Resources and the Senate Committee on Agriculture, Environmental Resources and Campaign Finance Reform. No comments were received from the committees as a result of the modifications submitted to the committee in response to the motions.

3. Physical Therapists Affiliated Credentialing Board (CR 99–66)

Chs. PT 1–5 – The definition of physical therapy aide, the tests of English, written English and spoken English, general supervision of physical therapist assistants, and direct supervision of physical therapist assistants and physical therapy aides.

Summary of Final Regulatory Flexibility Analysis:

These rules will have no significant economic impact on small businesses, as defined in s. 227.114 (1)(a), Stats.

Summary of Comments:

No comments were reported.

4. Public Instruction (CR 99–30)

Chs. PI 3 & 4 – Teacher education program appraisal and licenses.

Summary of Final Regulatory Flexibility Analysis:

These rules will have no significant economic impact on small businesses, as defined in s. 227.114 (1)(a), Stats.

Summary of Comments:

No comments reported.

5. Public Service Commission (CR 99–19)

Ch. PSC 160 – The provision of universal telecommunications service and administration of the universal service fund.

Summary of Final Regulatory Flexibility Analysis:

Existing universal service fund rules may have an effect on small telecommunications utilities, which are small businesses under s. 196.216, Stats., for the purposes of s. 227.114, Stats. The 78 small telecommunications utilities, like other telecommunications providers (both large and small), have obligations under the universal service fund, including an obligation for payments to the universal service fund.

The rule changes proposed in this proceeding could have the effect of changing the amount of the assessments to providers for the universal service fund. Some of these changes may increase the amount of funding needed, while others may decrease the amount paid by any given provider. Other changes may impact the amounts that certain providers may recover from the fund. The net effect of these changes is uncertain, although one area where impact is almost certain to be felt is among wireless providers. Under these rules, the assessment exemption for wireless providers is eliminated.

Many of the changes in this proposed rule are clarifications and updates that do not change existing procedures. Others do not change requirements, such as participation in certain programs, but only change the calculations used by participants. Others impose requirements on those who choose to apply to become eligible for certain federal and state universal service fund monies. Many of these are based on federal requirements related to federal universal service fund support eligibility. Other provisions of these proposed rules should have no direct impact on small businesses.

The Commission already has established, in s. PSC 160.18, an exemption from fund assessments to protect entry by and continued operation of small telecommunications providers as directed by statutory objectives. There are no new reporting or bookkeeping requirements imposed under these proposed rules for any business other than wireless carriers. Federal Communications Commission orders concerning universal service require that states apply universal service measures in a manner that does not favor one segment of the industry over another, with limited exceptions. This limits the Commission's ability to treat providers that are small businesses differently than other providers.

The agency has considered the methods in s. 227.114(2), Stats., for reducing the impact of the rules on small businesses. Other than the provisions for exemption from assessments for small providers noted above, these methods do not appear to be necessary, appropriate, or consistent with statutory objectives.

Summary of Comments:

No comments were reported.

6. Revenue (CR 99-105)

S. Tax 11.67 – Service enterprises.

Summary of Final Regulatory Flexibility Analysis:

This rule order does not have a significant economic impact on a substantial number of small businesses.

Summary of Comments:

No comments were reported.

7. Revenue (CR 99-134)

S. Tax 11.96 – Delivery of an ordinance to adopt or repeal a county or premier resort area tax.

Summary of Final Regulatory Flexibility Analysis:

This proposed rule order does not have a significant economic impact on a substantial number of small businesses.

Summary of Comments:

No comments were reported.

SECTIONS AFFECTED BY REVISOR'S CORRECTIONS NOT PUBLISHED

Revisor's corrections under s. 13.93 (2m) (b), Stats., identified in this Wis. Adm. Register.

Sections affected by Revisor's corrections not published.

Subscriber's note: Please make corrections (manually) in your printed code. The affected sections are shown as corrected on the Revisor of Statutes Internet site, <http://www.legis.state.wi.us/rsb/>, and on the WisLaw® CD-ROM. Printed code will be shown as corrected in its next printing.

Location of invalid cross-reference	Correction
Adm 65.15 (4)	Replace "s. HSS 145.03 (2)" with "HFS 145.03 (2)"
Comm 15.02 (3)	Replace "s. ILHR 50.12" with "s. Comm 50.12"
DOC 346.33 (1)	Replace "s. HSS 5.07 (1)" with "s. HFS 5.07 (1)"
HFS 12.03 (20) and (25)	Replace "ch. HSS 133 and s. HSS 105.17 (1)" with "ch. HFS 133 and s. HFS 105.17 (1)"
HFS 13.03 (5)	Replace "s. HSS 129.10" with "s. HFS 129.10"
HFS 13.03 (16)	Replace "s. HSS 129.03 (14)" with "s. HFS 129.03 (14)", "s. HSS 129.03 (11)" with "s. HFS 129.03 (11)" and "s. HSS 129.03 (11r)" with "s. HFS 129.03 (11r)"
HFS 40.06 (4) (f)	Replace "s. HSS 105.28 (1)" with "s. HFS 105.28 (1)"
HFS 40.06 (4) (i)	Replace "s. HSS 105.28 (2)" with "s. HFS 105.28 (2)"
HFS 46.12 (3) (c) 1. and 2.	Replace "s. HSS 129.10" with "s. HFS 120.10" and "s. HSS 129.03" with "HFS 129.03"
HFS 46.12 (7) (a) 4.	Replace "s. HSS 129.10" with "s. HFS 129.10"
HFS 77.08 (1)	Replace "ch. HSS 1" with "ch. HFS 1"
HFS 88.09 (1) (b) note	Replace "ch. HSS 92" with "ch. HFS 92"
HSS 205.04 (2) (b)	Replace "ch. HSS 103" with "ch. HFS 103"
HSS 206.03 (22)	Replace "chs. HSS 101 to 108" with "chs. HFS 101 to 108"
HSS 206.10 (2) (b) 2.	Replace "ch. HSS 45" with "ch. HFS 45" and "ch. HSS 55" with "ch. HFS 55"
HSS 211.03 (6)	Replace "chs. HSS 101 to 108" with "chs. HFS 101 to 108"
HSS 211.03 (7)	Replace "s. HSS 103.065" with "s. HFS 103.065"
Ins 3.37 (3) (c)	Replace "s. HSS 63.03" with "s. HFS 63.03"
NR 60.10 (3) (b) 3.	Replace "s. 144.30 (9)" with "s. 283.01 (6m)"
NR 107.01	Replace "s. 144.025 (2) (i)" with "s. 281.17 (2)"
NR 107.02	Replace "s. 144.01" with "s. 281.01 (18)"
NR 107.05 (3) (g)	Replace "ss. 29.62 and 29.623" with "ss. 29.421 and 29.424"
NR 107.05 (3) (h)	Replace "s. 29.415" with "s. 29.604"
NR 107.11 (4) (f)	Replace "s. 144.04" with "s. 281.41" and replace "s. 147.02" with "s. 283.31"
NR 108.02 (1)	Replace "s. 144.04" with "s. 281.41"
NR 108.02 (11)	Replace "ch. 147" with "ch. 283"

NR 108.02 (13)	Replace “s. 144.04” with “s. 281.41”
NR 108.03 (1)	Replace “s. 144.04” with “s. 281.41”
NR 108.04 (2) (a)	Replace “s. 144.04” with “s. 281.41”
NR 108.06 (2)	Replace “s. 144.025 (2) (l)” with “s. 281.17 (3)”
NR 108.06 (4) (c)	Replace “ch. 147” with “ch. 283”
NR 110.01	Replace “s. 145.01 (1) (b)” with “s. 145.01 (10) (b)”
NR 110.03 (2)	Replace “s. 144.04” with “s. 281.41”
NR 110.03 (27)	Replace “s. 144.04” with “s. 281.41”
NR 110.03 (34)	Replace “ch. 147” with “ch. 283”
NR 110.05 (2) (c) and (g)	Replace “ch. 147” with “ch. 283”
NR 110.09 (2) (j) 1.	Replace “ss. 16.96, 144.24 (4) (b)” with “ss. 16.96 and 281.57 (4) (b)”
Ch. NR 114 Introductory Note	Replace “s. 144.99” with “s. 299.97”
NR 114.01	Replace “s. 144.025 (2) (L)” with “s. 281.17 (3)”
NR 114.03	Replace “ch. 147” with “ch. 283”
NR 114.15	Replace “s. 144.025 (2) (L)” with “s. 281.17 (3)”
NR 114.23 (4)	Replace “s. 29.29” with “s. 29.601”
NR 114.25 (1)	Replace “s. 29.29” with “s. 29.601”
NR 121.03 (4)	Replace “s. 144.25 (2) (a)” with “s. 281.65 (2) (a)”
NR 121.03 (9)	Replace “s. 147.015 (4)” with “s. 283.01 (6)”
NR 121.03 (10)	Replace “s. 147.015 (8)” with “s. 283.01 (12)”
NR 121.03 (13)	Replace “s. 144.25” with “s. 281.65 (2) (b)” and replace “s. 147.015 (8)” with “s. 283.01 (12)”
NR 121.03 (18)	Replace “s. 147.015 (19)” with “s. 283.01 (14)”
NR 121.03 (19)	Replace “s. 144.025 (2) (b)” with “s. 281.15”
NR 121.04 (1)	Replace “s. 147.25” with “s. 283.83”
NR 125.01	Replace “s. 144.21” with “s. 281.55”
NR 125.02 (1)	Replace “s. 147.015 (6)” with “s. 283.01 (6)”
NR 125.07 (3) and (4)	Replace “s. 144.04” with “s. 281.41”
NR 125.09 (1) (a)	Replace “s. 144.21 (8)” with “s. 281.55 (8)”
NR 126.01	Replace “s. 144.23” with “s. 281.56”
NR 126.05 (13)	Replace “s. 144.23” with “s. 281.56”
NR 126.11 (1) (b) to (e)	Wherever “144.21” exists, replace with “281.55”; wherever “144.23” exists, replace with “281.56”
NR 127.01	Replace “s. 144.0255 (4), Stats., as created by 1989 Wis. Act 366” with “s. 281.53 (4)”; replace “s. 144.025 (2) (t)” with “s. 281.17 (8)”
NR 127.02	Replace “s. 144.0255” with “s. 281.53” and replace “s. 144.0255 (4), Stats., as created by the 1989 Wis. Act 366” with “s. 281.53 (4)”
NR 127.03 (1)	Replace “s. 144.025 (2) (t)” with “s. 281.17 (8)”

NR 130 Introductory Note	Replace “144.80 to 144.94, and chapters 107, 162, and 227” with “and chapters 107, 162, 227 and 293”
NR 130.03 (9)	Replace “s. 144.832 (2)” with “s. 293.21 (2)”
NR 130.06 (2)	Replace “s. 144.83 (2) (b) 1. to 12., Stats., and s. 144.83 (2) (c) 1. to 8.” with “s. 293.13 (2) (b) 1. to 12. and (c) 1. to 8.”
NR 130.09 (1) (a)	Replace “ss. 144.83 (2) (b) 1. to 12. and 144.83 (2) (c) 1. to 8.” with “s. 293.13 (2) (b) 1. to 12. and (c) 1. to 8.”
NR 130.09 (1) (b)	Replace “ss. 144.80 to 144.94” with “ch. 293”
NR 130.12 (1)	Replace “ss. 144.80 to 144.94” with “ch. 293”
NR 131.02	Replace “s. 144.81” with “s. 293.01” in two places
NR 131.03 (2)	Replace “s. 144.836” with “s. 293.43”
NR 131.03 (18)	Replace “s. 144.84” with “s. 293.45 (1)”
NR 131.03 (20)	Replace “s. 144.83 (2) (c)” with “s. 293.13 (2) (c)”
NR 131.03 (21)	Replace “s. 144.84” with “s. 293.45 (1)”
NR 131.05 (6)	Replace “s. 144.838” with “s. 293.33”
NR 131.06 (6)	Replace “s. 144.836” with “s. 293.43 (5)”
NR 131.07 (1)	Replace “s. 144.84 (1)” with “s. 293.35 (1)”
NR 131.07 (3) (g)	Replace “ss. 144.30 to 144.426” with “ch. 285”
NR 131.07 (4) (k)	Replace “s. 144.01 (10)” with “s. 281.01 (10)”
NR 131.07 (4) (L)	Replace “s. 144.01 (3)” with “s. 283.01 (6m)”
NR 131.08 (2) (g)	Replace “s. 144.81 (15)” with “s. 293.01 (23)”
NR 131.09 (2) (a) (intro.)	Replace “s. 144.86” with “s. 293.51” and replace “ss. 144.80 to 144.94” with “ch. 293”
NR 131.10 (1) (d), (g) 3. and 4.	Replace “ss. 144.80 to 144.94” with “ch. 293”
NR 131.11 (2)	Replace “s. 144.90 (5)” with “s. 293.63 (5)”
NR 131.13 (1)	Replace “s. 144.836” with “s. 293.43”
NR 131.14 (1)	Replace “ss. 144.80 to 144.94” with “ch. 293”
NR 131.17 (intro.)	Replace “s. 144.836” with “s. 293.43”
NR 131.17 (5)	Replace “ch. 147” with “ch. 283”
NR 131.19 (2) (a) and (5) (c) 1.	Replace “s. 144.836” with “s. 293.43”
NR 706.11 (3)	Replace “s. ILHR 10.734 or 10.805” with “s. Comm 10.734 or 10.805”
PSC 136.04 (3) (h)	Replace “s. ILHR 22.13” with “s. Comm 22.13”
Trans 301.96 (3) (d)	Replace “s. HSS 105.39” with “s. HFS 105.39”
DWD 58.04 (3) (f)	Replace “s. HSS 45.04 (1)” with “s. HFS 45.04 (1)”
DWD 301.07 (4)	Replace “s. ILHR 51.15 (6)” with “s. Comm 51.15 (6)”

EXECUTIVE ORDERS

The following is a listing of recent Executive Orders issued by the Governor.

Executive Order 388. Relating to the Creation of the Task Force on Growing Wisconsin Agriculture.

Executive Order 389. Relating to the Creation of the Commission on State/Local Partnerships for the Twenty-First Century.

Executive Order 390. Relating to a Consumer Confidence Report Mailing Waiver.

P U B L I C N O T I C E

Public Notice

Workforce Development

Child Care Co–Payment Schedule

Effective Date: April 30, 2000

(See chart on following page)

Look down the column of the appropriate family size until you find the gross family monthly income level at or just less than

Gross Monthly Family Income		FAMILY SIZE	
WEEKLY LICENSED CARE CO-PAY AMOUNT	CHILDREN IN SUBSIDIZED CARE	CHILDREN IN SUBSIDIZED CARE	CHILDREN IN SUBSIDIZED CARE

2	3	4	5	6	7	8	9 10 or more	1	2	3	4	5 or more
---	---	---	---	---	---	---	--------------	---	---	---	---	-----------

NOTE: The copayment rate for the following categories of parents is found by selecting the lowest income line (70% FPL and then finding the copayment listed, under either licensed care or certified care, for the appropriate number of children, foster parents, kinship care parents, teen parents who are not Leamare participants. Parents who have left a W-2 employment position for unsubsidized work also qualify for the minimum copay for one month. Children who are authorized for 20 hours or less are subject to one half of their share of the family copay listed above.

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